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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

Requests for Additional Temporary Tables

The California Gambling Control Commission ("Commission") proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION: The Commission proposes to adopt section 12358 of Title 4 of the California Code of Regulations, concerning requests for additional temporary tables.

PUBLIC HEARING

At this time, the Commission has not scheduled a public hearing. Any interested person or his or her duly authorized representative may request a hearing pursuant to Government Code section 11346.8 no later than 15 days prior to the close of the comment period.

WRITTEN COMMENT PERIOD **February 3, 2006 to March 21, 2006**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period. To be considered for summary and response, **all written comments must be received no later than 5:00 p.m., March 21, 2006.**

Requests for a public hearing or written comments for the Commission's consideration should be directed to:

Heather Hoganson, Counsel, California Gambling
Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231;
Fax: 916-263-0452,
E-mail: hhoganson@cgcc.ca.gov

AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by various provisions of the Gambling Control Act, which may be found in Business and Professions Code sections 19800-19980. In particular, Business and Professions Code sections 19811, 19823, 19824, 19840, 19841, 19854, 19864, 19951, and 19952 provide specific authority.

The proposed regulation implements, interprets, or makes specific Business and Professions Code sections 19823, 19867, 19951, and 19952, and are included as reference citations in the proposed regulations.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The Gambling Control Act (Business and Professions Code, section 19800 et seq.) provides the Commission jurisdiction over controlled gambling and all activity that is related to the conduct of controlled gambling. This includes defining and limiting the number of tables in a gambling establishment (cardroom).

The proposed regulations provide a mechanism for a gambling establishment to request authorization for additional tables on a temporary basis for a tournament or special event.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: These regulations do not impose a mandate on local agencies or school districts.

Cost or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed upon local agencies: None

Cost or savings in federal funding to the state: None

Cost impact on representative private person or business: Costs as follows would only accrue in the event that a cardroom requested additional temporary tables:

- If a cardroom made a request for additional tables, the application fee is set by statute at \$500.
- Deposits for investigation of requested additional tables for a gambling establishment would be pursuant to Business and Professions Code 19867.

- Pursuant to Business and Professions Code section 19952, the Commission is setting a fee for additional temporary tables in proposed regulation 12358, which would have a cost impact on any cardroom requesting an additional temporary table, as specified in the appended form, CGCC — 024 (New 06–05), “Request for a Certificate to Operate Additional Tables on a Temporary Basis.” This fee is described in the Initial Statement of Reasons.

Impact on Business: The Commission has made an initial determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: The Commission has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small business: Some cardrooms may be small businesses; the cost effect on these cardrooms are the same as that addressed under “private person or business.”

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The Commission has made an assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Heather Hoganson, Counsel, California Gambling Control Commission,
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833–4231;
Telephone: 916–263–0490, Fax: 916–263–0452,
E-mail: hhoganson@cgcc.ca.gov.

Requests for a copy of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other technical information upon which the rulemaking is based should be directed to:

Pam Ramsay, California Gambling Control Commission,
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833–4231;
Telephone: 916–263–8111, Fax: 916–263–0499.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting Pam Ramsay at the address or telephone number listed above or accessing the Commission’s website at <http://www.cgcc.ca.gov>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Regulations Coordinator or viewed on the website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the comment period, the Commission may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pam Ramsay at the address indicated above.

The Commission will accept written comments on the modified regulation for 15 days after the date on which it is made available.

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER REGULATORY AMENDMENTS TO THE VERIFICATION PROCEDURE, WARRANTY AND IN-USE COMPLIANCE REQUIREMENTS FOR IN-USE STRATEGIES TO CONTROL EMISSIONS FROM DIESEL ENGINES

The Air Resources Board (ARB or the Board) will conduct a public hearing at the time and place noted below to consider regulatory amendments to the Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines.

DATE: March 23, 2006

TIME: 9:00 a.m.

PLACE: California Environmental Protection
Agency
Air Resources Board
Central Valley Auditorium
1001 "I" Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., March 23, 2006, and may continue at 8:30 a.m., March 24, 2006. This item may not be considered until March 24, 2006. Please consult the agenda for the meeting, which will be available at least ten days before March 23, 2006, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the Americans with Disabilities Act Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. Teletypewriter/Telecommunications Device for Deaf/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to title 13, California Code of Regulations (CCR), sections 2702, 2703, 2704, 2706, 2707, and 2709.

Background: In 1998, the ARB identified diesel particulate matter (PM) emissions as a toxic air contaminant (Title 17, CCR, section 93000). In 2000, the ARB

adopted the Diesel Risk Reduction Plan (DRRP or Plan), which established a goal of reducing emissions and the resultant health risk from virtually all diesel-fueled engines and vehicles within the State of California by the year 2020. The Plan envisioned that diesel particulate matter emissions would be reduced by 75 percent in 2010 and 85 percent in 2020. To achieve those goals, the Plan identified various methods including more stringent standards for all new diesel-fueled engines and vehicles, the use of diesel emission control strategies on in-use engines, and the use of low-sulfur diesel fuel.

Staff developed a verification procedure (Procedure) to ensure that effective emission control systems are available to reduce Californians' exposure to diesel PM. The Board adopted the Procedure at the May 16, 2002 Public Hearing. In accordance with the DRRP, the ARB has adopted and may in the future adopt regulations to require reduction of PM from in-use diesel vehicles through the application of verified, retrofitted diesel emission control strategies. These retrofit regulations specify levels of particulate matter reductions and the Procedure is used to designate strategies that ARB finds achieve specific levels of emission reductions and meet all other verification criteria.

The Procedure includes emissions test procedures, warranty requirements, and in-use compliance requirements. It also sets limits for secondary emissions from verified emission control systems. One common secondary emission is nitrogen dioxide (NO₂). Some diesel emission control systems, while highly effective at reducing emissions of diesel PM, also increase emissions of NO₂. NO₂ is classified as a criteria pollutant and has both federal and state ambient air quality standards. NO₂ emissions also contribute to formation of ozone and particulate nitrates. A limit for NO₂ emissions of 20 percent of the baseline oxides of nitrogen (NO_x) emission level was adopted as part of the Procedure, effective in 2004.

In February 2004, the Board amended the Procedure. One of the key amendments was a three-year delay in the effective date of the NO₂ limit, to January 1, 2007. This was necessary because manufacturers were not able to meet the original 20 percent limit without sacrificing the robustness and breadth of applicability of their products. The purpose of the delay was to enable the continued implementation of efficient PM emission controls while staff reevaluated what level of NO₂ control was most appropriate and the potential impacts on air quality. This evaluation has been completed.

Staff concludes that most verified PM control devices remain unable to meet the NO₂ limit that begins next year. Therefore, if no change is made to the existing NO₂ limit, nearly all of the approved diesel particulate filters will lose their verifications on January 1, 2007.

With few PM emission control devices available for installation on in-use diesel engines, ARB's Diesel Risk Reduction Plan would be stymied, and the health benefits of the plan would not be achieved.

Proposed Amendments: To assure implementation of the Diesel Risk Reduction Plan continues, staff is proposing amendments to the Procedure. The most significant change is to revise the NO₂ emission limit for verified emission control systems. The proposed amendments to the Procedure are summarized below. The actual regulatory language and explanations can be found in the Staff Report: Initial Statement of Reasons (ISOR) and the attachments thereto.

1. NO₂ Emission Limit

Staff proposes that the Board change the form of the NO₂ emission limit, and revise its stringency.

Staff's proposal would change the form of the NO₂ limit. Currently, the Procedure limits total tailpipe-out NO₂ emissions regardless of how much NO₂ is contributed by the engine. Staff's proposed change would limit the allowable increase in NO₂ emissions, not the total emissions level.

Beginning January 1, 2007, staff also proposes a revision to the NO₂ limit to allow a maximum increase of NO₂ emissions equivalent to 30 percent of the total baseline NO_x emission level. Most of the currently verified filters would be able to meet this limit, and therefore would continue to be available for use in reducing diesel PM emissions. Beginning January 1, 2009, staff proposes that the maximum increase be reduced to 20 percent. Staff also proposes that the Board create verification classifications designated by "Plus" (e.g., Level 3 Plus) which signify early compliance with the 2009 limit and thus encourage the use of low-NO₂ controls where possible.

Staff's proposal will result in higher NO₂ emissions from retrofitted diesel engines relative to the current NO₂ limit. Modeling and analyses for Southern California 2010 indicate higher NO₂ emissions will increase peak ozone levels by about one percent. Microscale analyses for high exposure scenarios show that local ambient NO₂ concentrations will increase, but will not exceed the current ambient NO₂ standard.

Staff believes the benefits of avoiding hundreds of premature deaths due to continuing use of PM control devices that reduce PM emissions by up to 85 percent clearly outweigh the adverse health impact of a relatively small increase in ozone.

2. Additional Pre-Conditioning Requirements

Staff proposes additional pre-conditioning requirements for emission control systems whose NO₂ emissions may be influenced by the presence of soot and ash at the time of testing. The proposal covers pre-conditioning for the new and aged units in the original verifi-

cation as well as units involved in the first-phase of in-use compliance testing. It includes requirements regarding filter condition, test cycles, duration of testing, test conditions, and backpressure. It also includes requirements regarding the test engine's condition and NO₂ emission level.

3. Other Proposed Amendments

Staff proposes a clarification to sections 2702(g) and (h) that not all listed conditions are required. The "and" in the list of sources would be changed to an "or". Staff proposes extending the reporting deadline specified in section 2707(c) by an additional two months. Staff also proposes adding a provision stating expressly that issuance of a verification does not release the applicant from complying with other applicable legal requirements.

COMPARABLE FEDERAL REGULATIONS

There are no comparable federal regulations. The United States Environmental Protection Agency (U.S. EPA) has published a draft document, "General Verification Protocol for Diesel Exhaust Catalysts, Particulate Filters, and Engine Modification Control Technologies for Highway and Nonroad Use Diesel Engines," but has not promulgated formal regulations for this verification protocol. This federal verification protocol is intended to support the voluntary retrofit programs initiated by the U.S. EPA, while the staff's proposal is to support the ARB's Diesel Risk Reduction Plan. Also, the protocol does not regulate changes in emissions of NO₂ caused by emission control systems.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the environmental and economic impacts of the proposal. The report is entitled: Proposed Amendments to the Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines.

Copies of the ISOR and the full text of the proposed regulatory language in underline and strikeout format to allow for comparison with the existing regulations may be accessed on ARB's website listed below, or may be obtained from ARB's Public Information Office, Visitors and Environmental Services Center, 1001 "I" Street, First Floor, Sacramento, California 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing on March 23, 2006.

Upon its completion, the Final Statement of Reasons (FSOR) will also be available and copies may be re-

quested from the agency contact persons in this notice, or may be accessed on the website listed below.

Inquiries concerning the substance of the proposed amendments may be directed to the designated agency contact persons, Mr. Paul Henderick, Air Resources Engineer, Retrofit Assessment Section, at (626) 350-6440, or by email to phenderi@arb.ca.gov, or Ms. Shawn Daley, Manager, Retrofit Assessment Section, at (626) 575-6972, or by email to sdaley@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Ms. Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, at (916) 322-6070, or by email to aedwards@arb.ca.gov, or Ms. Alexa Malik, Regulations Coordinator, at (916) 322-4011, or by email to amalik@arb.ca.gov. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/verpro06/verpro06.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies, private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other non-discretionary savings to State or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Participation in the Procedure is purely voluntary both in its current form and as amended under the proposed action. While it is true that participation in the verification process is

voluntary and there is no prohibition on selling diesel emission control strategies in California that have not been verified by the ARB, the ARB has adopted and may in the future adopt regulations to requiring reductions of PM from in-use diesel vehicles through the application of verified, retrofitted diesel emission control strategies in specific situations. Entities subject to these retrofit requirements must use verified diesel emission control strategies to comply with these requirements. Consequently, these entities will only purchase systems from manufacturers that have obtained ARB's verification. In any event, the proposed regulatory action would make the requirements for verification less stringent than they are now, allowing for more systems to become verified and avoiding the loss of verifications by most currently-verified systems on January 1, 2007. Thus staff does not expect the proposal will result in adverse economic impacts.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or businesses directly affected or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not affect small businesses because participation in the Procedure is purely voluntary. There are no cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has also determined, pursuant to Government Code section 11346.5(a)(8), that the proposed regulation will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because the proposed regulation will have no regulatory effect on business.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the ARB's Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions must be received by **no later than 12:00 noon, March 22, 2006** and addressed to the following:

Postal Mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: <http://listserv.arb.ca.gov/major/comm/email.php> and received at the ARB **no later than 12:00 noon, March 22, 2006**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, March 22, 2006**.

The Board requests, but does not require, that 30 copies of any written statement be submitted at least ten days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of the staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 40000, 43000, 43000.5, 43011, 43013, 43018, 43105, 43600, 43700, and 43830.8 of the Health and Safety Code. This action is proposed to implement, interpret and make specific sections 39650-39675, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107, 43204-43205.5, and 43830.8 of the Health and Safety Code and Title 17 California Code of Regulations section 93000.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the Board's Public Information Office, 1001 I Street, Sacramento, California 95814, (916) 322-2990.

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION: Notice of Proposed Rulemaking

Title 22, California Code of Regulations

SUBJECT: Treatment Authorization Requests (TARs), R-48-01

PUBLIC PROCEEDINGS: Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In California, the federal Medicaid Program is known as the California Medical Assistance (Medi-Cal) Program. Federal law requires that the Medi-Cal Program provide core health care services, including but not limited to, hospital inpatient and outpatient care, nursing services, physician services, laboratory services, family planning, and regular examinations for children under the age of 21. Many Medi-Cal services are covered subject to utilization control. The treatment authorization request (TAR) process ensures that services provided are medically necessary in order to qualify for payment.

This utilization control is currently accomplished by submission of a TAR from a Medi-Cal Fee-For-Ser-

vice provider to a Department Medi-Cal Field Office. Documentation that substantiates the medical necessity of the service requested must be included with the submission. The field office Medi-Cal consultant reviews the request and returns a decision regarding the TAR to the provider. If a provider disagrees with the decision of a Medi-Cal consultant regarding a TAR, the provider may choose to appeal the decision. Currently, this appeal is submitted to the field office that denied the TAR. If the field office appeal staff uphold a decision to deny or modify the TAR and the provider still disagrees, then the provider may submit a second-level appeal to the Medi-Cal Operations Division (MCO) headquarters, where the second-level review takes place.

In July 2000, legislation added Section 14133.05 to the Welfare and Institutions (W&I) Code. This proposed action clarifies this legislation by requiring the Department to review TARs for medical necessity only. Prior to this legislation, if a TAR was submitted outside established timeframes for the service being requested, there was no requirement that it be reviewed for medical necessity and the TAR could be denied based on the late submission.

In contrast to the TAR submission requirements, which were changed by W&I Code section 14133.05, the timelines for submission of an appeal of a decision on a TAR have not changed. Therefore, an appeal can still be denied if submitted outside accepted appeal timeframes.

This regulatory action also includes amendments to consolidate the current two-level TAR appeal process into a one-level appeal. Eliminating the first-level provider appeal will decrease the amount of staff time spent reviewing appeals at the field office level, as well as staff time spent duplicating the documents for two levels of appeal. This consolidation of the appeal process will also shorten the time in which the provider will wait to receive a final decision, thus making the appeal process faster for providers. This proposed action includes direction that a provider shall submit medical justification in the form of documentation to support the request for services at the time the TAR is submitted to the Medi-Cal Field Office, and when the appeal is submitted to MCO Headquarters.

This regulatory action specifically proposes to:

- Amend Section 51003 by:
 - a) Deleting the timeliness requirements for TAR submissions,
 - b) Stating that TARs will be reviewed for medical necessity only,
 - c) Removing most of the language in subsection (g) regarding the existing provider appeal process, and

d) Revising the date of the Request for Extension of Stay in Hospital, form 18-1 (2/87) to (8/93).

- Redesignate existing Section 51003.1, Prior Authorization of Personal Care Benefits, as Section 51003.3.
- Adopt a new Section 51003.1 that establishes a one-level appeal process for Fee-For-Service Medi-Cal providers to follow for TAR decisions.

AUTHORITY

Sections 10725, 14105, 14124.5, 14132.22, 14132.5, 14132.95, 14133, and 14133.05 Welfare and Institutions Code; Section 1267.7, Health and Safety Code; Section 8, Chapter 939, Statutes of 1992; and Section 3, Chapter 7, Statutes of 1993.

REFERENCE

Sections 14053, 14064, 14081, 14087, 14088, 14088.16, 14088.2, 14103.6, 14105.12, 14132, 14132.22, 14132.25, 14132.5, 14132.42, 14132.8, 14132.95, 14133, 14133.05, 14133.1, 14133.25, and 14133.3 Welfare and Institutions Code; Article 7 (commencing with Section 12300) of Part 3 of Division 9 of the Welfare and Institutions Code; *Jeneski v. Meyers* (1984) 163 Cal. App. 3d 18, 209 Cal. Rptr. 178; *Duran v. Belshé*, San Diego County Superior Court Case No. 674204, (1995); *Fresno Community Hospital and Medical Center v. State of California, et al.*, Fresno County, Superior Court Case No. 555694-9, (1996); Section 1396d(a)(7) of Title 42, of the United States Code; and Section 440.170(f) of Title 42 of the Code of Federal Regulations.

COMMENTS: Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on March 20, 2006, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations, Department of Health Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899-7413. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-7714; or

3. By email to regulation@dhs.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "R-48-01" in the subject line to facilitate timely identification and review of the comment), or
4. By using the "Making Comments on DHS Regulations" link on the Department website at <http://www.applications.dhs.ca.gov/regulations/>.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES: Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Debra Ferreria of the Medi-Cal Operations Division at (916) 552-9255.

All other inquiries concerning the action described in this notice may be directed to Lynette Cordell of the Office of Regulations at (916) 650-6827, or to the designated backup contact person, Shelly Blanks, at (916) 650-6825.

CONTACTS: In any inquiries or written comments, please identify the action by using the Department regulation package identifier, R-48-01.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS: The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at <http://www.applications.dhs.gov/regulations/> and then clicking on the "Select DHS regulations" button.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email regulation@dhs.ca.gov, or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT: The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: None
- C. Fiscal Effect on Federal Funding of State Programs: None
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: Negligible

DETERMINATIONS: The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would affect small business. These regulations are expected to have a positive effect on Fee-For-Service Medi-Cal enrolled providers that are subject to utilization control since the regulations require the Department to review TARs for medical necessity only and consolidate the current two-level appeal process into a one-level appeal.

The Department has determined that the regulations will have no impact on housing costs.

ADDITIONAL STATEMENTS AND COMMENTS: In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Linda Tutor, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, voice (916) 440-7695 and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

**TITLE 24. BUILDING STANDARDS
COMMISSION OF THE OFFICE OF
THE STATE FIRE MARSHAL**

**45-DAY NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS OF THE
OFFICE OF THE STATE FIRE
MARSHAL (SFM)**

**REGARDING PROPOSED REGULATIONS TO
THE CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PARTS 2 & 9**

**CALIFORNIA BUILDING CODE (CBC) &
CALIFORNIA FIRE CODE (CFC)**

**REGARDING WILDLAND-URBAN
INTERFACE FIRE AREAS BUILDING
STANDARDS**

NOTICE IS HEREBY GIVEN that the California Building Standards Commission (CBSC) on behalf of the State Fire Marshal proposes to adopt, approve, codify, and publish building standards contained in the

California Code of Regulations (CCR), Title 24, Part 2. The Office of the State Fire Marshal (SFM) is proposing to amend various Chapters, Articles and Sections of the 2001 California Building and Fire Codes regarding regulations relating to the fire and life safety requirements in Wildland-Urban Interface Fire Areas.

**PUBLIC HEARING/WRITTEN
COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted until 5:00 p.m. on Monday, March 21, 2006 Please address your comments to Russell Frank, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. Written comments may also be faxed to (916) 263-0959 or E-mailed to www.cbsc@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Section 18949.2(a)

The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 13143, 13108.5(a) and 18949.2(b) (c) and Government Code section 51189 relating to building materials and construction methods used in a Wildland-Urban Interface Fire Area.

The SFM is proposing this regulatory action pursuant to the following:

Authority:

- ♦ Health and Safety Code (H&SC) Sections 13143, 13108.5(a) and 18949.2(b) (c)
- ♦ Government Code (GC) Section 51189

Reference:

- ♦ Health and Safety Code (H&SC) Sections 13143, 13108.5(a) and 18949.2(b) (c)
- ♦ Government Code (GC) Sections 51176, 51177, 51178, 51179 and 51189, and Public Resource Code Section 4201 through 4204

INFORMATIVE DIGEST

Summary of Existing Laws

H&SC §13143 — Existing law requires the State Fire Marshal to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

H&SC §13108.5(a) — Existing law requires the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the Director of Forestry and Fire Protection.

(b) These building standards shall also apply to buildings located in very high fire hazard severity zones and other areas as designated by a local agency following a finding supported by substantial evidence in the record that the requirements of the building standards adopted pursuant to this Section are necessary for effective fire protection within the area.

(c) These building standards shall also apply to buildings located in urban wildland interface communities. A local agency may, at its discretion, include in or exclude from the requirements of these building standards any area in its jurisdiction following a finding supported by substantial evidence in the record at a public hearing that the requirements of these building standards are necessary or not necessary, respectively, for effective fire protection within the area. Changes made by a local agency to an urban wildland interface community area following a finding supported by substantial evidence in the record shall be final and shall not be rebuttable.

H&SC § 18949.2(b) — This law provides that the State Fire Marshal shall remain the state agency responsible for the developing building standards to implement the state's fire and life safety policy.

(c) This section of H&SC § 18949.2 provides that the state's fire and life safety building standards, as developed by the State Fire Marshal and adopted by the Com-

mission, shall be continued to be based on the state's fire and life safety policy goals and mandates.

GC § 51176 — Existing law requires that public officials are to be able to identify measures to retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken in a very high fire hazard zone.

GC § 51177 — Existing law defines the terms used in various statutes regarding:

(a) "Director" means the Director of Forestry and Fire Protection.

(b) "Very high fire hazard severity zone" means an area designated by the director pursuant to Section 51178 that is not a state responsibility area.

(c) "Local agency" means a city, county, city and county, or district responsible for fire protection within a very high fire hazard severity zone.

(d) "Single specimen tree" means any live tree that stands alone in the landscape so as to be clear of buildings, structures, combustible vegetation, or other trees, and that does not form a means of rapidly transmitting fire from the native growth to any occupied dwelling or structure.

(e) "State responsibility areas" means those areas identified pursuant to Section 4102 of the Public Resources Code.

GC § 51178 — Existing law requires the director to identify areas in the state as very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors.

GC § 51179 — Existing law permits a local agency to designate, by ordinance, very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the director pursuant to subdivisions (b) and (c) of Section 51178.

(b) A local agency may, at its discretion, exclude from the requirements of Section 51182 an area identified as a very high fire hazard severity zone by the director within the jurisdiction of the local agency, following a finding supported by substantial evidence in the record that the requirements of Section 51182 are not necessary for effective fire protection within the area.

(c) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the director, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.

(d) Changes made by a local agency to the recommendations made by the director shall be final and shall not be rebuttable by the director.

(e) The State Fire Marshal shall prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones.

(f) Any ordinance adopted by a local agency pursuant to this Section that substantially conforms to the model ordinance of the State Fire Marshal shall be presumed to be in compliance with the requirements of this Section.

(g) A local agency shall post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the director pursuant to Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of this Section, the notice shall instead identify the location of the amended map.

GC § 51189 — Existing law declares that space and structure defensibility is essential to effective fire prevention. This defensibility extends beyond the vegetation management practices required by this chapter, and includes, but is not limited to, measures that increase the likelihood of a structure to withstand intrusion by fire, such as building design and construction requirements that use fire resistant building materials, and provide protection of structure projections, including, but not limited to, porches, decks, balconies and eaves, and structure openings, including, but not limited to, attic and eave vents and windows.

(b) No later than January 1, 2005, the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, recommend building standards that provide for comprehensive space and structure defensibility to protect structures from fires spreading from adjacent structures or vegetation and vegetation from fires spreading from adjacent structures.

PRC § 4201 — The classification of lands within state responsibility areas are to be in accordance with the severity of fire hazard present for the purpose of identifying measures to be taken to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

PRC § 4202. The director shall classify lands within state responsibility areas into fire hazard severity zones. Each zone shall embrace relatively homogeneous lands and shall be based on fuel loading, slope, fire weather, and other relevant factors present.

PRC § 4203. (a) The director shall, by regulation, designate fire hazard severity zones and assign to each

zone a rating reflecting the degree of severity of fire hazard that is expected to prevail in the zone.

(b) No designation of a zone and assignment of a rating shall be adopted by the director until the proposed regulation has been transmitted to the board of supervisors of the county in which the zone is located at least 45 days prior to the adoption of the proposed regulation and a public hearing has been held in that county during that 45-day period.

PRC § 4204. The director shall periodically review zones designated and rated pursuant to this article and, as necessary, shall revise zones or their ratings or repeal the designation of zones. Any revision of a zone or its rating or any repeal of a zone shall conform to the requirements of Section 4203. In addition, the revision or repeal of a zone may be petitioned pursuant to Sections 11340.6 and 11340.7 of the Government Code.

Summary of Existing Regulations in the 2001 CBC

- ♦ **Chapter 1 — Administrative, Section 101 Title, Purpose and Scope, Section 101.14.17 SFM.** This existing section provides a listing of the SFM regulated occupancies with a reference to the enabling statutes.
- ♦ **Chapter 7 — Fire-Resistant Materials and Construction** — This existing Chapter applies to materials and systems used in the design and construction of a building to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.
- ♦ **Chapter 15 — Roofing and Roof Structures,** — This existing Chapter addresses the roof covering, roofing assembly and roof structures.

Summary of Effect to the 2001 CBC

- ♦ **Chapter 1 — Administrative, Section 101 Title, Purpose and Scope, Section 101.14.17 SFM.** The SFM is adding Wildland–Urban Interface Fire Area and the applicable statutes to the listing of SFM regulated occupancies.
 - **Effect:** By this amendment a code user and the enforcing agency will be able to determine that the SFM has the statutory authority over building standards relating to regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland–Urban Interface Fire Area.

- ♦ **Chapter 7 — Fire-Resistant Materials and Construction** — The SFM is amending this existing Chapter by adding language at the beginning of the chapter to let the code user know that there is a special chapter, Chapter 7A that specifically addresses new construction in any Wildland–Urban Interface Fire Area.

- **Effect:** By this amendment a code user and the enforcing agency will be directed to Chapter 7A. This Chapter notifies the code user that on or after December 1, 2005, regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland–Urban Interface Fire Area shall be enforced.

- ♦ **Chapter 7A — Materials and Construction for Exterior Wildfire Exposure, Section 701A.1 Scope.** Within Chapter 7A, the SFM is proposing a new section that specifically addresses the minimum standards for building materials, systems and or assemblies used in the exterior design of new buildings located in a Wildland–Urban Interface Fire Area.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland–Urban Interface Fire Area shall be enforced.

- ♦ **Section 701A.2 Purpose.** Within Chapter 7A, the SFM is proposing a new section that specifically addresses the minimum standards for the protection of life and property.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland–Urban Interface Fire Area shall resist the intrusion of flame or burning embers projected by a vegetation fire.

- ♦ **Section 701A.3 Application.** Within Chapter 7A, the SFM is proposing a new section that specifically addresses new roofs and attic ventilation constructed in any Wildland–Urban Interface Fire Area.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents

in any Wildland–Urban Interface Fire Area shall be enforced on or after December 1, 2005.

- ♦ **Section 701A.3.1 Alternates for materials, design, tests, and methods of construction.** Within Chapter 7A, the SFM is proposing a new section that provides that the enforcing agency may modify the provisions of the Chapter for site-specific conditions. When the agency grants such modifications a fire protection plan shall be submitted.

- **Effect:** By this amendment a code user and the enforcing agency will learn that on or after December 1, 2005, there are minimum building standards regarding the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland–Urban Interface Fire Area shall be enforced.

- ♦ **Section 702A, Definitions.** Within Chapter 7A, the SFM is proposing a definitions section for commonly used terms relating to the Wildland–Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the proposed definitions are common terms used to describe aspects of the Wildland–Urban Interface Fire Areas. These definitions provide cross references to other code provisions and the enabling statutes from which they may have been derived from. These proposed definitions will help the code user to understand the intent of the regulations.

- ♦ **Section 703A — Standards of Quality.** This section number is reserved for future use in Phase II of the regulatory development of requirements for Standards of Quality for Wildland–Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Chapter 7A.

- **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the matters of Standards of Quality which will identify the adopted referenced standards for the exterior design, materials and construction methods of new buildings in Wildland–Urban Interface Fire Areas.

- ♦ **Section 704A.1 Roofing, Section 704A.1.1 General.** Within Chapter 7A, the SFM is proposing a section that identifies the requirements for new roofing in Wildland–Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of new roof coverings and roofing assemblies in any Wildland–Urban Interface Fire Area shall be in accordance with the manufacture’s installation instructions and shall also comply with Chapters 7A and 15.
- ♦ **Section 704A.1.2 Roof Coverings.** Within Chapter 7A, the SFM is proposing a section that identifies the requirements for new roof coverings Wildland–Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods for new roof coverings require that the spaces between the roof and covering and the roof decking shall prevent the intrusion of flames and burning embers and shall be fire–stopped in Wildland–Urban Interface Fire Areas.
- ♦ **Section 704A.1.3 Roof Valleys.** Within Chapter 7A, the SFM is proposing a section that identifies the requirements for roof valleys on a new roof in Wildland–Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of roof valleys require flashings of not less than 0.016 inch; No. 28 gauge galvanized sheet metal installed over a minimum 36 inches wide underlayment of No. 72 cap sheet that runs the full length of the roof valley in Wildland–Urban Interface Fire Areas.
- ♦ **Section 704A.1.4 Roof Gutters.** Within Chapter 7A, the SFM is proposing a section that identifies the requirements for roof gutters in Wildland–Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of construction and the placement of roof gutters shall prevent the accumulation of leaves and debris in the gutter in Wildland–Urban Interface Fire Areas.
- ♦ **Section 704A.2, Attic Ventilation, Section 704A.2.1 General.** Within Chapter 7A, the SFM is proposing a section that addresses the requirements for attic vents in Wildland–Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of roof and attic vents shall be constructed in a manner that resists the intrusion of flame and burning embers into the attic area, or shall be protected by corrosion resistant, non–combustible wire mesh with 1/4 inch (6 mm) openings or an equivalent in Wildland–Urban Interface Fire Areas.
- ♦ **Section 704A.2.2 Eave and Cornice Vents.** Within Chapter 7A, the SFM is proposing a section that addresses the requirements for eave and cornice vents in Wildland–Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that when used, the design, materials and construction methods of eave and cornice vents are to resist the intrusion of flame and burning embers into the attic area of the structure in Wildland–Urban Interface Fire Areas
- ♦ **Section 704A.3 Exterior Walls [RESERVED].** This section number is reserved for future use in Phase II for the regulatory development of requirements for exterior wall design and construction in Wildland–Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Chapter 7A.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the design, materials and construction methods of exterior walls in Wildland–Urban Interface Fire Areas.
- ♦ **Section 704A.4 Decking, Floors and Underfloor Protection [RESERVED].** This section number is reserved for future use in Phase II for the regulatory development regarding the protection requirements for decking, floors and underfloor construction in Wildland–Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Chapter 7A.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the design, materials and construction methods for protection of decking, floors and

underfloor construction systems in Wildland–Urban Interface Fire Areas.

- ♦ **Section 705A Ancillary Buildings and Structures [RESERVED].** This section number is reserved for future use in Phase II of the regulatory development of requirements for the exterior design and construction of ancillary buildings and structures in Wildland–Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Chapter 7A.

- **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the design, materials and construction methods for ancillary buildings and structures in Wildland–Urban Interface Fire Areas. Phase II will also provide clear definitions that describe the intent of what an ancillary building is.

- ♦ **Chapter 15 — Roofing and Roof Structures, Section 1503 — Roofing Requirements, Section 1503.4 Roofing Requirements in a Wildland–Urban Interface Fire Area.** Within Chapter 15, the SFM is proposing a section that refers the code user to Chapter 7A for requirements relating to the roofing requirements in Wildland–Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that there are additional regulations that must be enforced relating to the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland–Urban Interface Fire Area.

Summary of Existing Regulations in the 2001 CFC

- ♦ **Article 1 — Administrative, Section 101 Title, Purpose and Scope, Section 101.14.17 SFM.** This existing section provides a listing of the SFM regulated occupancies with a reference to the enabling statutes.
- ♦ **Article 86 — FIRE PROTECTION PLAN WILDLAND–URBAN INTERFACE FIRE AREAS.** This existing Article addresses the requirements for a Fire Protection Plan (FPP) as shown below. However, the SFM does not currently adopt nor does the SFM intend to adopt this Article in this proposed rulemaking:
 - The FPP must be approved by the Fire Chief

- The FPP shall include mitigation measures that are consistent with the problems presented due to location, topography and flammable vegetation, etc.
- The FPP shall address water supply, access, building ignition and fire protection, etc.

Summary of Effect to the 2001 CFC

- ♦ **Article 1 — Administrative, Section 101 Title, Purpose and Scope, Section 101.14.17 SFM.** The SFM is adding Wildland–Urban Interface Fire Area and the applicable statutes to the listing of SFM regulated occupancies.
 - **Effect:** By this amendment a code user and the enforcing agency will be able to determine that the SFM has the statutory authority over building standards relating to regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland–Urban Interface Fire Area.
- ♦ **Article 86A — REQUIREMENTS FOR WILDLAND–URBAN INTERFACE AREAS, SECTION 8601A GENERAL, Section 8601A.1 Scope.** Within the new Article 86A, the SFM is proposing a section that addresses the mitigation of conditions resulting from a wildfire.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the intent of Article 86A is mitigate the conditions of a wildfire burning in vegetative fuels that may cause buildings to catch fire and thus threaten to destroy life, overwhelm fire fighting and suppression capabilities that can result in large property losses in any Wildland–Urban Interface Fire Area.
- ♦ **Section 8601A.2 Purpose.** Within the new Article 86A, the SFM is proposing a section that identifies the minimum standards to increase the ability of a building to resist the intrusion of flame and burning embers.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the intent of Article 86A is to identify the minimum standards to increase the ability of a building to resist the intrusion of flame and burning embers which contributes to the systematic reduction in conflagration losses in any Wildland–Urban Interface Fire Area.
- ♦ **Section 8602A, Definitions.** Within Article 86A, the SFM is proposing a definitions section for commonly used terms relating to the Wildland–Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the proposed definitions are common terms used to describe aspects of the Wildland–Urban Interface Fire Areas. These definitions provide cross references to other code provisions and the enabling statutes from which they may have been derived from. These proposed definitions will help the code user to understand the intent of the regulations.
- ◆ **Section 8603A, Plans [RESERVED].** This section number is reserved for future use in Phase II for the regulatory development regarding the submittal of plans to the enforcing agency relating to the design, materials and construction methods in Wildland–Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Article 86A.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the submittal of plans to the enforcing agency that address the design, materials and construction methods for projects in Wildland–Urban Interface Fire Areas.
- ◆ **Section 8604A, Fire Hazard Severity Zones.** Within Article 86A, the SFM is proposing a section that identifies that lands are classified by the Director of the Department of Forestry and Fire Protection based on the severity of the wildfire hazard.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the classification of lands is made in accordance with the severity of the wildfire hazard. Once this classification is established, standards practices can be identified and appropriate measures can be taken to reduce the potential for losses to life and property and natural resources in Wildland–Urban Interface Fire Areas.
- ◆ **Section 8604A.2, Classifications.** Within Article 86A, the SFM is proposing a section that identifies that lands are classified by the Director of the Department of Forestry and Fire Protection based on the severity of the wildfire hazard.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the classification of lands is made in accordance with the severity of the wildfire hazard for both State responsibility Lands and local agency responsible areas. Once this classification is established, standards practices can be identified and appropriate measures can be taken to reduce the potential for losses to life and property and natural resources in Wildland–Urban Interface Fire Areas.
- ◆ **Section 8605A, Wildland–Urban Interface Fire Area, Section 8605A.1 General.** Within Article 86A, the SFM is proposing a section that identifies the construction methods and requirements to mitigate wildfire exposure within a geographical area that threatens to destroy life, overwhelm fire fighting and suppression capabilities that can result in large property losses in any Wildland–Urban Interface Fire Area.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the intent of Article 86A is to mitigate wildfire exposure within a geographical area that threatens to destroy life, overwhelm fire fighting and suppression capabilities that can result in large property losses in any Wildland–Urban Interface Fire Area.
- ◆ **Section 8605A.2 Construction Methods and Requirements within Established Limits.** Within Article 86A, the SFM is proposing a section that identifies that the construction methods and requirements that are intended to mitigate wildfire exposure within a geographical area is to be within the limits established by law.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the intent of Article 86A is to ensure that the construction methods and requirements designed to mitigate the wildfire exposure within any Wildland–Urban Interface Fire Areas are within the limits of established law and in compliance with Articles 86A, 86B and the California Building Code, Chapter 7A.
- ◆ **Section 8605A.3 Establishment of Limits.** Within Article 86A, the SFM is proposing a section that identifies that the construction methods and requirements to mitigate wildfire exposure within any Wildland–Urban Interface Fire Areas are to be within the limits established by law.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the intent of Article 86A is to ensure that the construction methods and requirements for any Wildland–Urban Interface Fire Areas shall be designated pursuant to the California Public resources Code for State responsibility areas or by local agency following a finding supported by substantial evidence in the record that the requirements of this Article are necessary for effective fire protection.
- ♦ **Section 8606A. Vegetation Management [RESERVED]** . This section number is reserved for future use in Phase II of the regulatory development of requirements for the vegetation management in Wildland–Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Article 86A.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address vegetation management in Wildland–Urban Interface Fire Areas. This section will identify the measures required for controlling the vegetation growth of trees, ornamental plants and ground cover, etc. to mitigate the risk to life and property from wildfire exposure in Wildland–Urban Interface Fire Areas.
- ♦ **Section 8607A. Defensible Space [RESERVED]**. This section number is reserved for future use in Phase II of the regulatory development of requirements for defensible space in Wildland–Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Article 86A.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address defensible space requirements for Wildland–Urban Interface Fire Areas. This section will identify requirements to mitigate the risk to life and property from wildfire exposure through responsible application of fuel modifications within the specific space between a structure and the Wildland–Urban Interface Fire Area.

Summary of Effect to the 2001 CFC

ARTICLE 86B– MATERIALS AND CONSTRUCTION METHODS FOR WILDFIRE EXPOSURE

- ♦ **Article 86B — Materials and Construction Methods for Exterior Wildfire Exposure, Section 8601B.1 Scope.** Within Article 86B the SFM is proposing a new section that specifically addresses the minimum standards for building materials, systems and or assemblies used in the exterior design of new buildings located in a Wildland–Urban Interface Fire Area.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland–Urban Interface Fire Area shall be enforced.
- ♦ **Section 8601B.2 Purpose.** Within Article 86B, the SFM is proposing a new section that specifically addresses the minimum standards for the protection of life and property.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland–Urban Interface Fire Area shall resist the intrusion of flame or burning embers projected by a vegetation fire.
- ♦ **Section 8601B.3 Application.** Within Article 86B, the SFM is proposing a new section that specifically addresses new roofs and attic ventilation constructed in any Wildland–Urban Interface Fire Area.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland–Urban Interface Fire Area shall be enforced on or after December 1, 2005.
- ♦ **Section 8601B.3 Alternates for materials, design, tests, and methods of construction.** Within Article 86B, the SFM is proposing a new section that provides that the enforcing agency may modify the provisions of the Chapter for site–specific conditions. When the agency grants such modifications a fire protection plan shall be submitted.

- **Effect:** By this amendment a code user and the enforcing agency will learn that on or after December 1, 2005, there are minimum building standards regarding the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland–Urban Interface Fire Area shall be enforced.
- ◆ **Section 8602B Definitions, section 8602B.1.** Within Article 86B, the SFM is proposing a definitions section for commonly used terms relating to the Wildland–Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the proposed definitions are located in Article 86A. These definitions are common terms used to describe aspects of the Wildland–Urban Interface Fire Areas.
 - These definitions provide cross references to other code provisions and the enabling statutes from which they may have been derived from. These proposed definitions will help the code user to understand the intent of the regulations.
- ◆ **SECTION 8603B — STANDARDS OF QUALITY [RESERVED]** Section number 8603B is reserved for future use in Phase II for the test standards. This section number is being shown for clarity purposes to show the reader the future intent of Article 86B.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the standards of quality for the design, materials and construction methods for new structures in Wildland–Urban Interface Fire Areas.
- ◆ **Section 8604B Materials, Systems and Methods of Construction, Section 8604B.1 Roofing, Section 8604B.1.1 General.** Within Article 86B, the SFM is proposing a section that identifies the requirements for new roofing in Wildland–Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of new roof coverings and roofing assemblies in any Wildland–Urban Interface Fire Area shall be in accordance with the manufacture’s installation instructions and shall also comply with the California Building Code, Chapter 15 and Article 86B.
- ◆ **Section 8604B.2 Roof Coverings.** Within Article 86B, the SFM is proposing a section that identifies the requirements for new roof coverings Wildland–Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods for new roof coverings require that the spaces between the roof and covering and the roof decking shall prevent the intrusion of flames and burning embers and shall be fire–stopped in Wildland–Urban Interface Fire Areas.
- ◆ **Section 8604B.3 Roof Valleys.** Within Article 86B, the SFM is proposing a section that identifies the requirements for roof valleys on a new roof in Wildland–Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of roof valleys require flashings of not less than 0.016 inch; No. 28 gauge galvanized sheet metal installed over a minimum 36 inches wide underlayment of No. 72 cap sheet that runs the full length of the roof valley in Wildland–Urban Interface Fire Areas.
- ◆ **Section 8604B.1.4 Roof Gutters.** Within Article 86B, the SFM is proposing a section that identifies the requirements for roof gutters in Wildland–Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of construction and the placement of roof gutters shall prevent the accumulation of leaves and debris in the gutter in Wildland–Urban Interface Fire Areas.
- ◆ **Section 8604B.2 Attic Ventilation, Section 8604B.2.1 General.** Within Article 86B, the SFM is proposing a section that addresses the requirements for attic vents in Wildland–Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of roof and attic vents shall be constructed in a manner that resists the intrusion of flame and burning embers into the attic area, or shall be protected by corrosion resistant, non–combustible wire mesh with 1/4 inch (6 mm) openings or an equivalent in Wildland–Urban Interface Fire Areas.

- ♦ **Section 8604B.2.2 Eave and Cornice Vents.** Within Article 86B, the SFM is proposing a section that addresses the requirements for eave and cornice vents in Wildland–Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that when used, the design, materials and construction methods of eave and cornice vents are to resist the intrusion of flame and burning embers into the attic area of the structure in Wildland–Urban Interface Fire Areas

- ♦ **Section 8604B.3 Exterior Walls.** This section number is reserved for future use in Phase II for the regulatory development of requirements for exterior wall design and construction in Wildland–Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Article 86B.

- **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the design, materials and construction methods of exterior walls in Wildland–Urban Interface Fire Areas.

- ♦ **Section 8604B.4 Decking, Floors and Underfloor Protection.** This section number is reserved for future use in Phase II for the regulatory development regarding the protection requirements for decking, floors and underfloor construction in Wildland–Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Article 86B.

- **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the design, materials and construction methods for protection of decking, floors and underfloor construction systems in Wildland–Urban Interface Fire Areas.

- ♦ **Section 8605B Ancillary Buildings and Structures.** This section number is reserved for future use in Phase II of the regulatory development of requirements for the exterior design and construction of ancillary buildings and structures in Wildland–Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Article 86B.

- **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the design, materials and construction methods for ancillary buildings and structures in Wildland–Urban Interface Fire Areas. Phase II will also provide clear definitions that describe the intent of what an ancillary building is.

Comparable Federal Statute or Regulation

The SFM has determined that there are comparable federal regulations or statutes addressing the building material’s ignitability, construction methods and vegetation management for such matters Federal lands in Wildland–Urban Interface Fire Areas. Some of those Federal agencies are listed below:

- **Bureau of Land Management, Department of the Interior**

Department of the Interior and Related Agencies Appropriations Act of 2001, Title IV, Public Law 106–291. National Fire Plan (*See Attachment No. 1*)

- **United States Department of Agriculture, Forest Service**

The USDA Forest Service, Southern Center for Wildland–Urban Interface Research and Information was established in 2002 in Gainesville, FL to address issues related to human influences on forest ecosystems in the Southern United States.

- **One Hundred and Eighth Congress of the United States, Healthy Forest Restoration Act**

Policy Statement Overview

The broad objective of these proposed emergency regulations are to establish minimum standards for the design, materials and construction methods for new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland–Urban Interface Fire Area to resist the intrusion of flame or burning embers projected by a vegetation fire.

The specific objective of these regulations is to establish a systematic approach to reducing the losses in a conflagration and for the protection of life and property in any Wildland–Urban Interface Fire Area.

MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS OF
REGULATIONS

The SFM has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulation.

**MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or public school districts.

FISCAL IMPACT STATEMENT

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other non-discretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

The SFM has made an initial determination that this proposed regulatory action would not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

DECLARATION OF EVIDENCE

The SFM affirms that this rulemaking action complies specifically with the mandates of Health and Safety Code sections 13143, 13108.5(a) and 18949.2(b)(c) and Government Code (GC) Section 51189.

Therefore, the SFM's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

The SFM has made an assessment of the proposed code changes and has determined that these changes do not require a report.

**COST IMPACT ON PRIVATE PERSON
OR BUSINESS**

The SFM is aware that there may be cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

The SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

The SFM has made an initial determination that these proposed regulations to the 2001 CBC and CFC will not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code §11346.5 subdivision (a)(13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The SFM, through a public process prior to submitting the Finding of Emergency for Wildland-Urban Interface Fire Areas, investigated the following alternatives during the development of the emergency regulations:

**AVAILABILITY OF RULEMAKING
DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a

written request to the contact person named below or at the California Building Standards Commission website.

AVAILABILITY OF FINAL STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact persons named above.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

**Russell Frank or
Tom Morrison (Back-up person)
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959**

SFM CONTACT PERSONS FOR SUBSTANTIVE QUESTIONS ON THE PROPOSED BUILDING STANDARDS

Specific questions regarding the substantive aspects of the proposed building standards may be addressed to:

CONTACT PERSON

- Kate Dargan
(916) 445-8200
Fax: (916) 445-8459

BACK-UP CONTACT PERSON

- Daniel Najera
(916) 324-9592
Fax: (916) 445-8459

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed regulations substantially as proposed in this notice or under mutual agreement with the SFM, modifications may be made that are sufficiently related to the original proposed text and notice

of proposed regulatory action. If modifications are made, the full text of the proposed action with the changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). The CBSC will accept written comments on the modified regulations during the 15-day period at the above-mentioned contacts.

TITLE 24. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE OF PROPOSED ACTION

AMENDMENT OF THE 2001 CALIFORNIA BUILDING CODE, TITLE 24, PART 2, VOL. 1, OF THE CALIFORNIA CODE OF REGULATIONS

Notice is hereby given that the Department of Food and Agriculture (Department) proposes to amend the building standards contained in Title 24, Part 2, Vol. 1, of the California Code of Regulations.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from February 3, 2006 until 5:00 p.m. on March 20, 2006. Please address your written comments to:

Douglas Hepper, DVM
Department of Food and Agriculture
Meat and Poultry Inspection Branch
1220 N Street, Room A-125
Sacramento, CA 95814

Written Comments may also be faxed to (916) 654-2608 or E-mailed to DHepper@cdfa.ca.gov

Pursuant to Government Code Section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the Department may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the

public for at least 15 days prior to the date on which the Department adopts, amends, or repeals the regulation(s). The Department will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The amendments to the building standards are granted under the authority of Health and Safety Code Section (H&SC) 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928.

The amendments to the building standards for places of meat or poultry inspection are granted under the authority of Food and Agricultural Code sections 18735 and 19384. The Department is implementing, interpreting or making specific the provisions of Food and Agricultural Code sections 19017 and 19240.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Statutes:

Food and Agricultural Code Section 18735. Authorizes the Department to adopt, by reference or otherwise, such provisions of the rules and regulations under the federal acts, with such changes therein as he deems appropriate to make them applicable to state operations and transactions.

Food and Agricultural Code Section 19384. Authorizes the Department to establish by regulation the condition under which carcasses or parts or products of animals for pet food may be processed, transported, and stored to prevent diversion into human food channels.

Food and Agricultural Code Section 19017. Specifies, in part, that it is unlawful for a person to operate a meat processing establishment not licensed by the Department; operate an establishment that is not clean; operate an establishment in a manner or under conditions that are not sanitary; operate an establishment that does not meet the sanitary building or equipment standards pursuant to regulations.

Food and Agricultural Code Section 19240. Specifies, in part, that every person engaged in the business of slaughtering animals for pet food shall be licensed by the Department.

Summary of Existing Regulations:

The Department has in place regulations pertaining to places of meat and poultry inspection under Subchapter

1 (commencing with section 900) and Subchapter 2 (commencing with section 1180) of Chapter 4, and Subchapter 1 (commencing with section 1200) of Chapter 5, of Division 2, Title 3, of the California Code of Regulations.

Summary of Effect

This proposed action will make effective the amendments to the 2001 California Building Code with necessary amendments to occupancies applicable to places of meat and poultry inspection in California, pursuant to Health and Safety Code 18938, 180 days after the publication of the amendments to the 2001 California Building Code.

Comparable Federal Statute or Regulations

The meat and poultry slaughter/processing facilities inspected by the Department are exempt from federal inspection. However, the requirements for the state-inspected facilities are consistent with federal regulations, except where they pertain specifically to Department, pursuant to section 18693 of the Food and Agricultural Code.

Policy Statement Overview

The amendment of the 2001 California Building Code provides up to date regulations applicable to places of meat and poultry inspection in California for new building projects and existing buildings to be remodeled. This proposal contains technical, cleanup language for meat and poultry processing plants, collection centers and facilities, renderers, and horsemeat and pet food establishments.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The Department has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Department has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None**
- B. Cost to any focal agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**

- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other non-discretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Estimate: **None**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Department has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. In making this determination, the Department has not considered alternatives that would lessen any adverse economic impact on businesses and invites the public to submit such proposals during the written comment period.

DECLARATION OF EVIDENCE

The Department has determined there were no record of facts, evidence, documents, testimony, or other evidence that the agency relied upon to support its initial determination of no effect.

FINDING OF NECESSITY FOR A REPORT FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

No report is required for this regulation.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The Department has assessed whether or not and to what extent this proposal will affect the following:

- **The creation or elimination of jobs within the State of California.** These regulations will not effect the creation of or elimination of jobs within the State of California.
- **The creation of new businesses or the elimination of existing businesses within the State of California.** These regulations will not effect the creation of or the elimination of existing business within the State of California.
- **The expansion of businesses currently doing business with the State of California.** These regulations will not effect the expansion of businesses currently doing business within the State of California

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Department has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the Department's website:

<http://www.cdfa.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person(s) named below.

DEPARTMENT CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Nancy Grillo, Regulation Coordinator
Department of Food and Agriculture
Animal Health and Food Safety Services
1220 N Street, Room A-116
Sacramento, CA 95814
(916) 651-7280
NGrillo@cdfa.ca.gov

**DEPARTMENT CONTACT PERSON FOR
SUBSTANTIVE AND/OR TECHNICAL
QUESTIONS ON THE PROPOSED CHANGES TO
BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Douglas Hepper, DVM
Department of Food and Agriculture
Meat and Poultry Inspection Branch
1220 N Street, Room A-125
Sacramento, CA 95814
(916) 654-0504
DHepper@cdfa.ca.gov

GENERAL PUBLIC INTEREST

**TITLE 2. DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that it's Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

RULEMAKING PETITION DECISIONS

CALIFORNIA DEPARTMENT OF MENTAL HEALTH

1600 9th Street, Sacramento, CA 95814
(916) 654-2413

January 17, 2006

Klint Pheneger, AT#053148-8
Unit #23
Atascadero State Hospital
P.O. Box 7001
Atascadero, CA 93423-7001

Dear Mr. Pheneger:

This is the response of the Department of Mental Health (DMH) to your letter requesting that DMH adopt regulations regarding implementation of the Sexually Violent Predator Act (SVPA). Your letter begins with the statement that regulations addressing the SVPA are necessary and required, but you make this assumption without an explanation or rationale as to why regulations would be required. You do, on page three of your letter, state that “the SVPA is not sufficiently precise” and that the “SVPA is not a self executing enactment,” and this appears to be the basis for your assumption that regulations are necessary. However, as explained below, the SVPA is quite detailed and precise, and the SVPA is self-executing.

There are two aspects of the SVPA with which DMH is required to be involved. One is the initial screening and evaluation process. The other is the fact that DMH is required to house and provide treatment for persons committed under the SVPA.

The criteria and procedures applicable to the screening and evaluation process are set forth in some detail in the statute. For example, please refer to Section 6600 of the Welfare and Institutions Code (WIC) that sets forth the specific criteria for commitment and WIC 6601 that sets forth the specific procedures and requirements for the evaluations. There have also been a large number (too many to try to list here) of published decisions by the California Appellate Courts regarding the SVPA. Many of these published decisions have established the precise legal interpretation of the words and phrases used in the SVPA. Other published decisions have clarified and settled the precise nature of the procedures and judicial proceedings required by the SVPA.

Since the criteria and procedures regarding the evaluation process contained in the statute are rather detailed, and published Appellate Court decisions have precisely

interpreted and clarified provisions of the SVPA, the statutory provisions pertaining to the evaluation process are self-executing. Therefore, there is no need for regulations to interpret and make specific the criteria and procedures for conducting or obtaining the required clinical evaluations. In addition, the evaluations and resulting reports are clinical evaluations, necessarily requiring the exercise of specialized, professional clinical judgement. Only psychologists or psychiatrists with specified education, training, and experience are allowed by the statute to conduct the SVP evaluations. (WIC 6601(d) and (g).)

Since the evaluations are clinical evaluations, requiring the exercise of professional clinical judgement by licensed and qualified psychologists and psychiatrists, it is neither necessary nor appropriate for DMH to attempt to promulgate regulations in relation to the SVP evaluations. In addition to meeting the minimum qualifications in the SVP statute, SVP evaluators are informed that they must remain current, be familiar with, and knowledgeable about existing and currently published studies, articles, and papers pertinent to evaluation of sex offenders, consistent with the standards of their profession. Since the available studies and literature is constantly being augmented, the clinical standards of the professions of psychology and psychiatry evolve over time, and DMH does not have authority to dictate or control the standards of the clinical professions of psychology or psychiatry, it is not appropriate or practicable for DMH to attempt to promulgate regulations regarding the details of how the clinicians exercise professional judgement in conducting SVP evaluations.

Moreover, as set forth in the SVP statute, any person subject to possible commitment as an SVP has an exhaustive set of due process protections. A probable cause hearing must be held by a court, and the court must find that probable cause exists that the person meets the statutory SVP criteria. (WIC 6602.) If probable cause is not found, the person cannot be committed as an SVP and must be released. Following the probable cause hearing, a court trial must be held. The person also has a right to demand a jury trial. (WIC 6603(a).) The finding of the jury must be unanimous that beyond a reasonable doubt, the person meets the statutory SVP criteria and should be committed for treatment. (WIC 6604.) Available information indicates that virtually all persons subject to possible SVP commitment exercise the right to demand a jury trial.

At trial the clinical evaluators are called to testify to explain the basis for their clinical opinions and conclusions as to why the person meets SVP criteria. The evaluators are subject to cross-examination by the attorney who represents the person subject to possible commitment. It is not uncommon for the juries in these commit-

ment trials to find that the person does not meet the criteria. Please refer to the attached document that provides information, from the effective date of the SVPA until January of this year, regarding the numbers of initial referrals, the number of cases in which the evaluators concluded that the person did not meet criteria, and the results of both probable cause hearings and commitment trials. It is clear that only approximately ten per cent or less of persons initially identified for screening are ultimately committed and that commitments are not automatic by any means.

As a result of all of the above, the final determination as to whether a person should be committed is, in the end, clearly made by the court and jury in a judicial proceeding. At the judicial commitment trial, the individual enjoys and is afforded the highest level of due process rights and protections — the same level of due process rights and protections as apply in criminal prosecutions.

With regard to DMH programming and treatment, the SVPA requires DMH to provide programming that affords the person with treatment for his or her diagnosed mental disorder. (WIC 6606(a).) In addition, the SVPA requires that the programming provided by DMH shall be consistent with current institutional standards for the treatment of sex offenders and be based on a structured treatment protocol. (WIC 6606(c).)

The development of the sex offender treatment protocol by clinical staff, just as with the development of any treatment protocol, is an exercise of professional clinical judgment by licensed, qualified clinicians. The clinical sex offender treatment protocol must be based on currently available studies, articles, and principles consistent with professional, clinical standards. However, the treatment plan for each person necessarily must be designed specifically for that individual, since each person has unique clinical features and needs. Moreover, subdivisions (a), (d), and (e) of WIC 6606 make it clear that sex offender treatment under the SVPA is voluntary.

For all of the above reasons, it is not necessary, appropriate, or practicable for DMH to promulgate regulations to attempt to establish or impose standardized, inflexible sex offender treatment requirements. Such regulations would infringe on the exercise of professional, clinical judgment in accordance with standards of the respective professions. Finally, such regulations would also likely be clinically inappropriate for a significant proportion of individuals.

For the reasons explained above, DMH must decline your request for DMH to promulgate regulations regarding the SVPA. Copies of your request and this response are being forwarded to the Office of Administrative Law as required by Section 11340.7 of the Government Code. The agency contact person regarding your request, this determination, as well as regulatory issues in general is Steve Appel, Regulations Coordinator, 1600 9th Street, Room 150, Sacramento, CA 95814.

Sincerely,

JOHN RODRIQUEZ
Deputy Director

Enclosure

cc: Steve Appel

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER
OR REPRODUCTIVE TOXICITY
FEBRUARY 3, 2006

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikeout were placed on the list with the date noted, and have subsequently been removed.

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CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER		
<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C(2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987
AF-2; [2-(2-furyl)-3-(5-nitro-2-furyl)] acrylamide	3688537	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972608	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309002	July 1, 1988
<u>Allyl chloride Delisted</u> <u>October 29, 1999</u>	107051	January 1, 1990
2-Aminoanthraquinone	117793	October 1, 1989
p-Aminoazobenzene	60093	January 1, 1990
ortho-Aminoazotoluene	97563	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92671	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81492	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989
2-Aminofluorene	153786	January 29, 1999
1-Amino-2-methylantraquinone	82280	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987
4-Amino-2-nitrophenol	119346	January 29, 1999
Amitrole	61825	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62533	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998
ortho-Anisidine	90040	July 1, 1987
ortho-Anisidine hydrochloride	134292	July 1, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990
Aramite	140578	July 1, 1987
<u>Areca nut</u>	—	<u>February 3, 2006</u>
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332214	February 27, 1987
Auramine	492808	July 1, 1987
Azacitidine	320672	January 1, 1992

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Azaserine	115026	July 1, 1987
Azathioprine	446866	February 27, 1987
Azobenzene	103333	January 1, 1990
Benz[a]anthracene	56553	July 1, 1987
Benzene	71432	February 27, 1987
Benzidine [and its salts]	92875	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205992	July 1, 1987
Benzo[j]fluoranthene	205823	July 1, 1987
Benzo[k]fluoranthene	207089	July 1, 1987
Benzofuran	271896	October 1, 1990
Benzo[a]pyrene	50328	July 1, 1987
Benzotrichloride	98077	July 1, 1987
Benzyl chloride	100447	January 1, 1990
Benzyl violet 4B	1694093	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
<u>Betel quid without tobacco</u>	—	<u>February 3, 2006</u>
2,2-Bis(bromomethyl)-1,3-propanediol	3296900	May 1, 1996
Bis(2-chloroethyl)ether	111444	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494031	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154938	July 1, 1987
Bis(chloromethyl)ether	542881	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541454	May 31, 2002
Bromodichloromethane	75274	January 1, 1990
Bromoethane	74964	December 22, 2000
Bromoform	75252	April 1, 1991
1,3-Butadiene	106990	April 1, 1988
1,4-Butanediol dimethane-sulfonate (Busulfan)	55981	February 27, 1987
Butylated hydroxyanisole	25013165	January 1, 1990
beta-Butyrolactone	3068880	July 1, 1987
Cacodylic acid	75605	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331395	October 1, 1994
Captadol	2425061	October 1, 1988
Captan	133062	January 1, 1990
Carbazole	86748	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333864	February 21, 2003
Carbon tetrachloride	56235	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391926	January 25, 2002
Catechol	120809	July 15, 2003

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Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990	Cisplatin	15663271	October 1, 1988
Certain combined chemotherapy for lymphomas	—	February 27, 1987	Citrus Red No. 2	6358538	October 1, 1989
Chlorambucil	305033	February 27, 1987	Clofibrate	637070	September 1, 1996
Chloramphenicol	56757	October 1, 1989	Cobalt metal powder	7440484	July 1, 1992
Chlordane	57749		Cobalt [II] oxide	1307966	July 1, 1992
July 1, 1988			Cobalt sulfate	10124433	May 20, 2005
Chlordecone (Kepone)	143500	January 1, 1988	Cobalt sulfate heptahydrate	10026241	June 2, 2000
Chlordimeform	6164983	January 1, 1989	Coke oven emissions	—	February 27, 1987
Chlorendic acid	115286	July 1, 1989	Conjugated estrogens	—	February 27, 1987
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989	Creosotes	—	October 1, 1988
p-Chloroaniline	106478	October 1, 1994	para-Cresidine	120718	January 1, 1988
p-Chloroaniline hydrochloride	20265967	May 15, 1998	Cupferron	135206	January 1, 1988
Chlorodibromomethane			Cycasin	14901087	January 1, 1988
<u>Delisted October 29, 1999</u>	124484	January 1, 1990	Cyclophosphamide (anhydrous)	50180	February 27, 1987
Chloroethane (Ethyl chloride)	75003	July 1, 1990	Cyclophosphamide (hydrated)	6055192	February 27, 1987
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010474	January 1, 1988	Cytembena	21739913	May 15, 1998
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909096	October 1, 1988	D&C Orange No. 17	3468631	July 1, 1990
Chloroform	67663	October 1, 1987	D&C Red No. 8	2092560	October 1, 1990
Chloromethyl methyl ether (technical grade)	107302	February 27, 1987	D&C Red No. 9	5160021	July 1, 1990
3-Chloro-2-methylpropene	563473	July 1, 1989	D&C Red No. 19	81889	July 1, 1990
1-Chloro-4-nitrobenzene	100005	October 29, 1999	Dacarbazine	4342034	January 1, 1988
4-Chloro-ortho-phenylenediamine	95830	January 1, 1988	Daminozide	1596845	January 1, 1990
p-Chloro-o-toluidine	95692	January 1, 1990	Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117102	January 1, 1992
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998	Daunomycin	20830813	January 1, 1988
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997	DDD (Dichlorodiphenyl-dichloroethane)	72548	January 1, 1989
Chloroprene	126998	June 2, 2000	DDE (Dichlorodiphenyl-dichloroethylene)	72559	January 1, 1989
Chlorothalonil	1897456	January 1, 1989	DDT (Dichlorodiphenyltri-chloroethane)	50293	October 1, 1987
Chlorotrianisene	569573	September 1, 1996	DDVP (Dichlorvos)	62737	January 1, 1989
Chlorozotocin	54749905	January 1, 1992	N,N'-Diacylbenzidine	613354	October 1, 1989
Chromium (hexavalent compounds)	—	February 27, 1987	2,4-Diaminoanisole	615054	October 1, 1990
Chrysene	218019	January 1, 1990	2,4-Diaminoanisole sulfate	39156417	January 1, 1988
C.I. Acid Red 114	6459945	July 1, 1992	4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988
C.I. Basic Red 9 monohydrochloride	569619	July 1, 1989	2,4-Diaminotoluene	95807	January 1, 1988
C.I. Direct Blue 15	2429745	August 26, 1997	Diaminotoluene (mixed)	—	January 1, 1990
C.I. Direct Blue 218	28407376	August 26, 1997	Diazoaminobenzene	136356	May 20, 2005
C.I. Solvent Yellow 14	842079	May 15, 1998	Dibenz[a,h]acridine	226368	January 1, 1988
Ciclosporin (Cyclosporin A; Cyclosporine)	59865133	January 1, 1992	Dibenz[a,j]acridine	224420	January 1, 1988
	79217600		Dibenz[a,h]anthracene	53703	January 1, 1988
Cidofovir	113852372	January 29, 1999	7H-Dibenzo[c,g]carbazole	194592	January 1, 1988
Cinnamyl anthranilate	87296	July 1, 1989	Dibenzo[a,e]pyrene	192654	January 1, 1988
			Dibenzo[a,h]pyrene	189640	January 1, 1988
			Dibenzo[a,i]pyrene	189559	January 1, 1988
			Dibenzo[a,l]pyrene	191300	January 1, 1988
			1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987
			2,3-Dibromo-1-propanol	96139	October 1, 1994
			Dichloroacetic acid	79436	May 1, 1996
			p-Dichlorobenzene	106467	January 1, 1989
			3,3'-Dichlorobenzidine	91941	October 1, 1987
			3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998

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1,4-Dichloro-2-butene	764410	January 1, 1990	Di-n-propylisocin- chomeronate (MGK		
3,3'-Dichloro-4,4'- diaminodiphenyl ether	28434868	January 1, 1988	Repellent 326)	136458	May 1, 1996
1,1-Dichloroethane	75343	January 1, 1990	1,4-Dioxane	123911	January 1, 1988
Dichloromethane (Methylene chloride)	75092	April 1, 1988	Diphenylhydantoin (Phenytoin)	57410	January 1, 1988
1,2-Dichloropropane	78875	January 1, 1990	Diphenylhydantoin (Phenytoin), sodium salt	630933	January 1, 1988
1,3-Dichloropropene	542756	January 1, 1989	Direct Black 38 (technical grade)	1937377	January 1, 1988
Dieldrin	60571	July 1, 1988	Direct Blue 6 (technical grade)	2602462	January 1, 1988
Dienestrol	84173	January 1, 1990	Direct Brown 95 (technical grade)	16071866	October 1, 1988
Diepoxybutane	1464535	January 1, 1988	Disperse Blue 1	2475458	October 1, 1990
Diesel engine exhaust	—	October 1, 1990	Diuron	330541	May 31, 2002
Di(2-ethylhexyl)phthalate	117817	January 1, 1988	Epichlorohydrin	106898	October 1, 1987
1,2-Diethylhydrazine	1615801	January 1, 1988	Erionite	12510428/ 66733219	October 1, 1988
Diethyl sulfate	64675	January 1, 1988	Estradiol 17B	50282	January 1, 1988
Diethylstilbestrol (DES)	56531	February 27, 1987	Estragole	140670	October 29, 1999
Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989	Estrogens, steroidal	—	August 19, 2005
Dihydrosafrole	94586	January 1, 1988	Estrone	53167	January 1, 1988
Diisopropyl sulfate	2973106	April 1, 1993	Estropipate	7280377	August 26, 1997
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988	Ethinylestradiol	57636	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho- Dianisidine dihydrochloride)	20325400	October 1, 1990	Ethoprop	13194484	February 27, 2001
3,3'-Dimethoxybenzidine- based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004	Ethyl acrylate	140885	July 1, 1989
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'- dimethylbenzidine	—	June 11, 2004	Ethylbenzene	100414	June 11, 2004
Dimethyl sulfate	77781	January 1, 1988	Ethyl methanesulfonate	62500	January 1, 1988
4-Dimethylaminoazobenzene	60117	January 1, 1988	Ethyl-4,4'-dichloro- benzilate	510156	January 1, 1990
trans-2-[(Dimethylamino) methylimino]-5-[2- (5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole	55738540	January 1, 1988	Ethylene dibromide	106934	July 1, 1987
7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990	Ethylene dichloride (1,2- Dichloroethane)	107062	October 1, 1987
3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988	Ethylene oxide	75218	July 1, 1987
3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992	Ethylene thiourea	96457	January 1, 1988
Dimethylcarbamoyl chloride	79447	January 1, 1988	Ethyleneimine	151564	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989	Fenoxycarb	72490018	June 2, 2000
1,2-Dimethylhydrazine	540738	January 1, 1988	Folpet	133073	January 1, 1989
Dimethylvinylchloride	513371	July 1, 1989	Formaldehyde (gas)	50000	January 1, 1988
3,7-Dinitrofluoranthene	105735715	August 26, 1997	2-(2-Formylhydrazino)- 4-(5-nitro-2- furyl)thiazole	3570750	January 1, 1988
3,9-Dinitrofluoranthene	22506532	August 26, 1997	Fumonisin B ₁	116355830	November 14, 2003
1,6-Dinitropyrene	42397648	October 1, 1990	Furan	110009	October 1, 1993
1,8-Dinitropyrene	42397659	October 1, 1990	Furazolidone	67458	January 1, 1990
Dinitrotoluene mixture, 2,4-/12,6-	—	May 1, 1996	Furmecyclo	60568050	January 1, 1990
2,4-Dinitrotoluene	121142	July 1, 1988	Fusarin C	79748815	July 1, 1995
2,6-Dinitrotoluene	606202	July 1, 1995	Ganciclovir sodium	82410320	August 26, 1997
			Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
			Gemfibrozil	25812300	December 22, 2000
			Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990

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Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730114	January 1, 1990	Mancozeb	8018017	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730103	January 1, 1990	Maneb	12427382	January 1, 1990
Glycidaldehyde	765344	January 1, 1988	Me-A-alpha-C(2-Amino-d3-methyl-9H-pyrido[2,3-b]indole)	68006837	January 1, 1990
Glycidol	556525	July 1, 1990	Medroxyprogesterone acetate	71589	January 1, 1990
Griseofulvin	126078	January 1, 1990	MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094112	October 1, 1994
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568028	January 1, 1988	MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500040	October 1, 1994
HC Blue 1	2784943	July 1, 1989	Melphalan	148823	February 27, 1987
Heptachlor	76448	July 1, 1988	Merphalan	531760	April 1, 1988
Heptachlorepoxyde	1024573	July 1, 1988	Mestranol	72333	April 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004	Metham sodium	137428	November 6, 1998
Hexachlorobenzene	118741	October 1, 1987	8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987
Hexachlorocyclohexane (technical grade)	—	October 1, 1987	5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988
Hexachlorodibenzodioxin	34465468	April 1, 1988	2-Methylaziridine (Propyleneimine)	75558	January 1, 1988
Hexachloroethane	67721	July 1, 1990	Methylazoxymethanol	590965	April 1, 1988
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005	Methylazoxymethanol acetate	592621	April 1, 1988
Hexamethylphosphoramide	680319	January 1, 1988	Methyl carbamate	598550	May 15, 1998
Hydrazine	302012	January 1, 1988	3-Methylcholanthrene	56495	January 1, 1990
Hydrazine sulfate	10034932	January 1, 1988	5-Methylchrysene	3697243	April 1, 1988
Hydrazobenzene(1,2-Diphenylhydrazine)	122667	January 1, 1988	4,4'-Methylene bis(2-chloroaniline)	101144	July 1, 1987
1-Hydroxyanthraquinone	129431	May 27, 2005	4,4'-Methylene bis(N,N-dimethyl)benzenamine	101611	October 1, 1989
Indeno[1,2,3-cd]pyrene	193395	January 1, 1988	4,4'-Methylene bis(2-methylaniline)	838880	April 1, 1988
Indium phosphide	22398807	February 27, 2001	4,4'-Methylenedianiline	101779	January 1, 1988
IQ(2-Amino-3-methylimidazo[4,5-f]quinoline)	76180966	April 1, 1990	4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988
Iprodione	36734197	May 1, 1996	Methyleugenol	93152	November 16, 2001
Iron dextran complex	9004664	January 1, 1988	Methylhydrazine and its salts	—	July 1, 1992
Isobutyl nitrite	542563	May 1, 1996	Methyl iodide	74884	April 1, 1988
Isoprene	78795	May 1, 1996	Methylmercury compounds	—	May 1, 1996
Isosafrole	120581	October 1, 1989	Methyl methanesulfonate	66273	April 1, 1988
Isoxaflutole	141112290	December 22, 2000	2-Methyl-1-nitroanthraquinone (of uncertain purity)	129157	April 1, 1988
Lactofen	77501634	January 1, 1989	N-Methyl-N'-nitro-N-nitrosoguanidine	70257	April 1, 1988
Lasiocarpine	303344	April 1, 1988	N-Methylolacrylamide	924425	July 1, 1990
Lead acetate	301042	January 1, 1988	Methylthiouracil	56042	October 1, 1989
Lead and lead compounds	—	October 1, 1992	Metiram	9006422	January 1, 1990
Lead phosphate	7446277	April 1, 1988	Metronidazole	443481	January 1, 1988
Lead subacetate	1335326	October 1, 1989	Michler's ketone	90948	January 1, 1988
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989	Mirex	2385855	January 1, 1988
Lynestrenol	52766	February 27, 2001	Mitomycin C	50077	April 1, 1988
			Monocrotaline	315220	April 1, 1988
			5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139913	April 1, 1988
			Mustard Gas	505602	February 27, 1987

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MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439760	December 22, 2000	N-Nitrosodi-n-propylamine	621647	January 1, 1988
Nafenopin	3771195	April 1, 1988	N-Nitroso-N-ethylurea	759739	October 1, 1987
Nalidixic acid	389082	May 15, 1998	3-(N-Nitrosomethylamino)propionitrile	60153493	April 1, 1990
Naphthalene	91203	April 19, 2002	4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091914	April 1, 1990
1-Naphthylamine	134327	October 1, 1989	N-Nitrosomethylethylamine	10595956	October 1, 1989
2-Naphthylamine	91598	February 27, 1987	N-Nitroso-N-methylurea	684935	October 1, 1987
Nickel (Metallic)	7440020	October 1, 1989	N-Nitroso-N-methylurethane	615532	April 1, 1988
Nickel acetate	373024	October 1, 1989	N-Nitrosomethylvinylamine	4549400	January 1, 1988
Nickel carbonate	3333673	October 1, 1989	N-Nitrosomorpholine	59892	January 1, 1988
Nickel carbonyl	13463393	October 1, 1987	N-Nitrosornicotine	16543558	January 1, 1988
Nickel compounds	—	May 7, 2004	N-Nitrosopiperidine	100754	January 1, 1988
Nickel hydroxide	12054487;	October 1, 1989	N-Nitrosopyrrolidine	930552	October 1, 1987
	12125563		N-Nitrososarcosine	13256229	January 1, 1988
Nickelocene	1271289	October 1, 1989	o-Nitrotoluene	88722	May 15, 1998
Nickel oxide	1313991	October 1, 1989	Norethisterone (Norethindrone)	68224	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987	Norethynodrel	68235	February 27, 2001
Nickel subsulfide	12035722	October 1, 1987	Ochratoxin A	303479	July 1, 1990
Niridazole	61574	April 1, 1988	Oil Orange SS	2646175	April 1, 1988
Nitrapyrin	1929824	October 5, 2005	Oral contraceptives, combined	—	October 1, 1989
Nitrilotriacetic acid	139139	January 1, 1988	Oral contraceptives, sequential	—	October 1, 1989
Nitrilotriacetic acid, trisodium salt monohydrate	18662538	April 1, 1989	Oxadiazon	19666309	July 1, 1991
5-Nitroacenaphthene	602879	April 1, 1988	Oxazepam	604751	October 1, 1994
5-Nitro-o-anisidine	99592	October 1, 1989	Oxymetholone	434071	January 1, 1988
o-Nitroanisole	91236	October 1, 1992	Oxythioquinox	2439012	August 20, 1999
Nitrobenzene	98953	August 26, 1997			
4-Nitrobiphenyl	92933	April 1, 1988	Palygorskite fibers (> 5µm in length)	12174117	December 28, 1999
6-Nitrochrysene	7496028	October 1, 1990	Panfuran S	794934	January 1, 1988
Nitrofen (technical grade)	1836755	January 1, 1988	Pentachlorophenol	87865	January 1, 1990
2-Nitrofluorene	607578	October 1, 1990	Phenacetin	62442	October 1, 1989
Nitrofurazone	59870	January 1, 1990	Phenazopyridine	94780	January 1, 1988
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555840	April 1, 1988	Phenazopyridine hydrochloride	136403	January 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531828	April 1, 1988	Phenesterin	3546109	July 1, 1989
Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988	Phenobarbital	50066	January 1, 1990
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988	Phenolphthalein	77098	May 15, 1998
Nitrogen mustard N-oxide	126852	April 1, 1988	Phenoxybenzamine	59961	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988	Phenoxybenzamine hydrochloride	63923	April 1, 1988
Nitromethane	75525	May 1, 1997	o-Phenylenediamine and its salts	95545	May 15, 1998
2-Nitropropane	79469	January 1, 1988	Phenyl glycidyl ether	122601	October 1, 1990
1-Nitropyrene	5522430	October 1, 1990	Phenylhydrazine and its salts	—	July 1, 1992
4-Nitropyrene	57835924	October 1, 1990	o-Phenylphenate, sodium	132274	January 1, 1990
N-Nitrosodi-n-butylamine	924163	October 1, 1987	o-Phenylphenol	90437	August 4, 2000
N-Nitrosodiethanolamine	1116547	January 1, 1988	PhiP(2-Amino-1-methyl-6-phenylimidazol [4,5-b]pyridine)	105650235	October 1, 1994
N-Nitrosodiethylamine	55185	October 1, 1987	Polybrominated biphenyls	—	January 1, 1988
N-Nitrosodimethylamine	62759	October 1, 1987	Polychlorinated biphenyls	—	October 1, 1989
p-Nitrosodiphenylamine	156105	January 1, 1988			
N-Nitrosodiphenylamine	86306	April 1, 1988			

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988	Tamoxifen and its salts	10540291	September 1, 1996
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992	Terrazole	2593159	October 1, 1994
Polychlorinated dibenzofurans	—	October 1, 1992	Testosterone and its esters	58220	April 1, 1988
Polygeenan	53973981	January 1, 1988	2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746016	January 1, 1988
Ponceau MX	3761533	April 1, 1988	1,1,2,2-Tetrachloroethane	79345	July 1, 1990
Ponceau 3R	3564098	April 1, 1988	Tetrachloroethylene		
Potassium bromate	7758012	January 1, 1990	(Perchloroethylene)	127184	April 1, 1988
Primidone	125337	August 20, 1999	p-a,a,a-Tetrachlorotoluene	5216251	January 1, 1990
Procarbazine	671169	January 1, 1988	Tetrafluoroethylene	116143	May 1, 1997
Procarbazine hydrochloride	366701	January 1, 1988	Tetranitromethane	509148	July 1, 1990
Procymidone	32809168	October 1, 1994	Thioacetamide	62555	January 1, 1988
Progesterone	57830	January 1, 1988	4,4'-Thiodianiline	139651	April 1, 1988
Pronamide	23950585	May 1, 1996	Thiodicarb	59669260	August 20, 1999
Propachlor	1918167	February 27, 2001	Thiouracil	141902	June 11, 2004
1,3-Propane sultone	1120714	January 1, 1988	Thiourea	62566	January 1, 1988
Propargite	2312358	October 1, 1994	Thorium dioxide	1314201	February 27, 1987
beta-Propiolactone	57578	January 1, 1988	Tobacco, oral use of smokeless products	—	April 1, 1988
Propylene glycol mono-t-butyl ether	57018527	June 11, 2004	Tobacco smoke	—	April 1, 1988
Propylene oxide	75569	October 1, 1988	Toluene diisocyanate	26471625	October 1, 1989
Propylthiouracil	51525	January 1, 1988	ortho-Toluidine	95534	January 1, 1988
Pyridine	110861	May 17, 2002	ortho-Toluidine hydrochloride	636215	January 1, 1988
Quinoline and its strong acid salts	—	October 24, 1997	<u>para-Toluidine Delisted October 29, 1999</u>	406490	January 1, 1990
Radionuclides	—	July 1, 1989	Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Reserpine	50555	October 1, 1989	Treosulfan	299752	February 27, 1987
Residual (heavy) fuel oils	—	October 1, 1990	Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992
Riddelliine	23246960	December 3, 2004	Trichloroethylene	79016	April 1, 1988
<u>Saccharin Delisted April 6, 2001</u>	81072	October 1, 1989	2,4,6-Trichlorophenol	88062	January 1, 1988
<u>Saccharin, sodium Delisted January 17, 2003</u>	128449	January 1, 1988	1,2,3-Trichloropropane	96184	October 1, 1992
Safrole	94597	January 1, 1988	Trimethyl phosphate	512561	May 1, 1996
Salicylazosulfapyridine	599791	May 15, 1998	2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Selenium sulfide	7446346	October 1, 1989	Triphenyltin hydroxide	76879	July 1, 1992
Shale-oils	68308349	April 1, 1990	Tris(aziridinyl)-para-benzoquinone (Triaziquone)	68768	October 1, 1989
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988	Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52244	January 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987	Tris(2-chloroethyl) phosphate	115968	April 1, 1992
Spironolactone	52017	May 1, 1997	Tris(2,3-dibromopropyl) phosphate	126727	January 1, 1988
Stanozolol	10418038	May 1, 1997	Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
Sterigmatocystin	10048132	April 1, 1988	Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Streptozotocin (streptozocin)	18883664	January 1, 1988	Trypan blue (commercial grade)	72571	October 1, 1989
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003	Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Styrene oxide	96093	October 1, 1988	Uracil mustard	66751	April 1, 1988
Sulfallate	95067	January 1, 1988	Urethane (Ethyl carbamate)	51796	January 1, 1988
Talc containing asbestiform fibers	—	April 1, 1990			

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Vanadium pentoxide (orthorhombic crystalline form)	1314621	February 11, 2005	Atenolol	developmental	29122687	August 26, 1997
Vinclozolin	50471448	August 20, 1999	Auranofin	developmental	34031328	January 29, 1999
Vinyl bromide	593602	October 1, 1988	Azathioprine	developmental	446866	September 1, 1996
Vinyl chloride	75014	February 27, 1987	Barbiturates	developmental	—	October 1, 1992
4-Vinylcyclohexene	100403	May 1, 1996	Beclomethasone dipropionate	developmental	5534098	May 15, 1998
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990	Benomyl	developmental, male	17804352	July 1, 1991
Vinyl fluoride	75025	May 1, 1997	Benzene	developmental, male	71432	December 26, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990	Benzodiazepines	developmental	—	October 1, 1992
2,6-Xylidine (2,6-Dimethylaniline)	87627	January 1, 1991	Benzphetamine hydrochloride	developmental	5411223	April 1, 1990
Zileuton	111406872	December 22, 2000	Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990
<u>Zineb Delisted October 29, 1999</u>	42122677	January 1, 1990	Bromacil lithium salt	developmental, male	53404196	May 18, 1999
			1-Bromopropane	developmental, female, male	106945	January 17, 2003
			2-Bromopropane	female, male	75263	December 7, 2004
			Bromoxynil	developmental	1689845	May 31, 2005
			Bromoxynil octanoate	developmental	1689992	October 1, 1990
			Butabarbital sodium	developmental	143817	May 18, 1999
			1,3-Butadiene	developmental, female, male	106990	October 1, 1992
						April 16, 2004
			1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989
			Butyl benzyl phthalate (BBP)	developmental	85687	December 2, 2005
			Cadmium	developmental, male	—	May 1, 1997
			Carbamazepine	developmental	298464	January 29, 1999
			Carbon disulfide	developmental, female, male	75150	July 1, 1989
			Carbon monoxide	developmental	630080	July 1, 1989
			Carboplatin	developmental	41575944	July 1, 1990
			Chenodiol	developmental	474259	April 1, 1990
			Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998
			Chlorambucil	developmental	305033	January 1, 1989
			Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987
			Chlordecone (Kepone)	developmental	143500	January 1, 1989
			Chlordiazepoxide	developmental	58253	January 1, 1992
			Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992
			1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990
			Chlorsulfuron	developmental, female, male	64902723	May 14, 1999
			Cidofovir	developmental, female, male	113852372	January 29, 1999
			Cladribine	developmental	4291638	September 1, 1996
			Clarithromycin	developmental	81103119	May 1, 1997
			Clobetasol propionate	developmental, female	25122467	May 15, 1998
			Clomiphene citrate	developmental	50419	April 1, 1990
			Clorazepate dipotassium	developmental	57109907	October 1, 1992
			Cocaine	developmental, female	50362	July 1, 1989
			Codeine phosphate	developmental	52288	May 15, 1998

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990
Actinomycin D	developmental	50760	October 1, 1992
All-trans retinoic acid	developmental	302794	January 1, 1989
Alprazolam	developmental	28981977	July 1, 1990
Altretamine	developmental, male	645056	August 20, 1999
Amantadine hydrochloride	developmental	665667	February 27, 2001
Amikacin sulfate	developmental	39831555	July 1, 1990
Aminoglutethimide	developmental	125848	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54626	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997
Amitraz	developmental	33089611	March 30, 1999
Amoxapine	developmental	14028445	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117373	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990

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<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Colchicine	developmental, male	64868	October 1, 1992	Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999
Conjugated estrogens	developmental	—	April 1, 1990	Doxycycline (internal use)	developmental	564250	July 1, 1990
Cyanazine	developmental	21725462	April 1, 1990	Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992
Cycloate	developmental	1134232	March 19, 1999	Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991
Cyclohexanol	male	108930	November 6, 1998	Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991
<u>Delisted January 25, 2002</u>				Endrin	developmental male	72208	May 15, 1998
Cycloheximide	developmental	66819	January 1, 1989	Epichlorohydrin	male	106898	September 1, 1996
Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989	Ergotamine tartrate	developmental	379793	April 1, 1990
Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989	Estropipate	developmental	7280377	August 26, 1997
Cyhexatin	developmental	13121705	January 1, 1989	Ethionamide	developmental	536334	August 26, 1997
Cytarabine	developmental	147944	January 1, 1989	Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Dacarbazine	developmental	4342034	January 29, 1989	Ethyl dipropylthio- carbamate	developmental	759944	April 27, 1999
Danazol	developmental	17230885	April 1, 1990	Ethylene dibromide	developmental, male	106934	May 15, 1998
Daunorubicin hydrochloride	developmental	23541506	July 1, 1990	Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989
2,4-D butyric acid	developmental, male	94826	June 18, 1999	Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989
o,p' -DDT	developmental, female, male	789026	May 15, 1998	Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993
p,p' -DDT	developmental, female, male	50293	May 15, 1998	Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993
2,4-DP(dichloroprop) <u>Delisted January 25, 2002</u>	developmental	120365	April 27, 1999	Ethylene oxide	female	75218	February 27, 1987
Demeclocycline	developmental	64733	January 1, 1992	Ethylene thiourea	developmental	96457	January 1, 1993
hydrochloride (internal use)				Etodolac	developmental, female	41340254	August 20, 1999
Diazepam	developmental	439145	January 1, 1992	Etoposide	developmental	33419420	July 1, 1990
Diazoxide	developmental	364987	February 27, 2001	Etretinate	developmental	54350480	July 1, 1987
1,2-Dibromo-3- chloropropane (DBCP)	male	96128	February 27, 1987	Fenoxaprop ethyl	developmental	66441234	March 26, 1999
Di-n-butyl phthalate (DBP)	developmental, female, male	84742	December 2, 2005	Filgrastim	developmental	121181531	February 27, 2001
Dichlorophene	developmental	97234	April 27, 1999	Fluazifop butyl	developmental	69806504	November 6, 1998
Dichlorophenamide	developmental	120978	February 27, 2001	Flunisolide	developmental, female	3385033	May 15, 1998
Diclofop methyl	developmental	51338273	March 5, 1999	Fluorouraci	developmental	51218	January 1, 1989
Dicumarol	developmental	66762	October 1, 1992	Fluoxymesterone	developmental	76437	April 1, 1998
Di(2-ethylhexyl) phthalate (DEHP)	developmental, male	117817	October 24, 2003	Flurazepam hydrochloride	developmental	1172185	October 1, 1992
Diethylstilbestrol (DES)	developmental	56531	July 1, 1987	Flurbiprofen	developmental, female	5104494	August 20, 1999
Diflunisal	developmental, female	22494424	January 29, 1999	Flutamide	developmental	13311847	July 1, 1990
Di-n-hexyl phthalate (DnHP)	female, male	84753	December 2, 2005	Fluticasone propionate	developmental	80474142	May 15, 1998
Dihydroergotamine mesylate	developmental	6190392	May 1, 1997	Fluvalinate	developmental	69409945	November 6, 1998
Diltiazem hydrochloride	developmental	33286225	February 27, 2001	Ganciclovir sodium	developmental, male	82410320	August 26, 1997
m-Dinitrobenzene	male	99650	July 1, 1990	Gemfibrozil	female, male	25812300	August 20, 1999
o-Dinitrobenzene	male	528290	July 1, 1990	Goserelin acetate	developmental, female, male	65807025	August 26, 1997
p-Dinitrobenzene	male	100254	July 1, 1990	Halazepam	developmental	23092173	July 1, 1990
2,4-Dinitrotoluene	male	121142	August 20, 1999	Halobetasol propionate	developmental	66852548	August 20, 1999
2,6-Dinitrotoluene	male	606202	August 20, 1999	Haloperidol	developmental, female	52868	January 29, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999	Halothane	developmental	151677	September 1, 1996
Dinocap	developmental	39300453	April 1, 1990	Heptachlor	developmental	76448	August 20, 1999
Dinoseb	developmental, male	88857	January 1, 1989	Hexachlorobenzene	developmental	118741	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987	Hexamethyl- phosphoramidate	male	680319	October 1, 1994
Disodium cyanodithio- imidocarbonate	developmental	138932	March 30, 1999	Histrelin acetate	developmental	—	May 15, 1998

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Hydramethylnon	developmental, male	67485294	March 5, 1999	Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989
Hydroxyurea	developmental	127071	May 1, 1997	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990
Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999	Norethisterone (Norethindrone)	developmental	68224	April 1, 1990
Ifosfamide	developmental	3778732	July 1, 1990	Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991
Iodine-131	developmental	10043660	January 1, 1989	Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68224/ 57636	April 1, 1990
Isotretinoin	developmental	4759482	July 1, 1987	Norethisterone (Norethindrone) /Mestranol	developmental	68224/ 72333	April 1, 1990
Lead	developmental, female, male	—	February 27, 1987	Norgestrel	developmental	6533002	April 1, 1990
Leuprolide acetate	developmental, female, male	74381536	August 26, 1997	Oxadiazon	developmental	19666309	May 15, 1998
Levodopa	developmental	59927	January 29, 1999	Oxazepam	developmental	604751	October 1, 1992
Levonorgestrel implants	female	797637	May 15, 1998	Oxydemeton methyl	female, male	301122	November 6, 1998
Linuron	developmental	330552	March 19, 1999	Oxymetholone	developmental	434071	May 1, 1997
Lithium carbonate	developmental	554132	January 1, 1991	Oxytetracycline (internal use)	developmental	79572	January 1, 1991
Lithium citrate	developmental	919164	January 1, 1991	Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Lorazepam	developmental	846491	July 1, 1990	Paclitaxel	developmental, female, male	33069624	August 26, 1997
Lovastatin	developmental	75330755	October 1, 1992	Paramethadione	developmental	115673	July 1, 1990
Mebendazole	developmental	31431397	August 20, 1999	Penicillamine	developmental	52675	January 1, 1991
Medroxyprogesterone acetate	developmental	71589	April 1, 1990	Pentobarbital sodium	developmental	57330	July 1, 1990
Megestrol acetate	developmental	595335	January 1, 1991	Pentostatin	developmental	53910251	September 1, 1996
Melphalan	developmental	148823	July 1, 1990	Phenacemide	developmental	63989	July 1, 1990
Menotropins	developmental	9002680	April 1, 1990	Phenprocoumon	developmental	435972	October 1, 1992
Meprobamate	developmental	57534	January 1, 1992	Pimozide	developmental, female	2062784	August 20, 1999
Mercaptopurine	developmental	6112761	July 1, 1990	Pipobroman	developmental	54911	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990	Plicamycin	developmental	18378897	April 1, 1990
Methacycline hydrochloride	developmental	3963959	January 1, 1991	Polybrominated biphenyls	developmental	—	October 1, 1994
Metham sodium	developmental	137428	May 15, 1998	Polychlorinated biphenyls	developmental	—	January 1, 1991
Methazole	developmental	20354261	December 1, 1999	Potassium dimethyldithio- carbamate	developmental	128030	March 30 1999
Methimazole	developmental	60560	July 1, 1990	Pravastatin sodium	developmental	81131706	March 3, 2000
Methotrexate	developmental	59052	January 1, 1989	Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Methotrexate sodium	developmental	15475566	April 1, 1990	Procabazine hydrochloride	developmental	366701	July 1, 1990
Methyl bromide	developmental	74839	January 1, 1993	Propargite	developmental	2312358	June 15, 1999
as a structural fumigant				Propylthiouracil	developmental	51525	July 1, 1990
Methyl chloride	developmental	74873	March 10, 2000	Pyrimethamine	developmental	58140	January 29, 1999
Methyl mercury	developmental	—	July 1, 1987	Quazepam	developmental	36735225	August 26, 1997
N-Methylpyrrolidone	developmental	872504	June 15, 2001	Quizalofop-ethyl	male	76578148	December 24, 1999
Methyltestosterone	developmental	58184	April 1, 1990	Resmethrin	developmental	10453868	November 6, 1998
Metiram	developmental	9006422	March 30, 1999	Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Midazolam hydrochloride	developmental	59467968	July 1, 1990				
Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992				
Misoprostol	developmental	59122462	April 1, 1990				
Mitoxantrone	developmental	70476823	July 1, 1990				
hydrochloride							
Myclobutanil	developmental, male	88671890	April 16, 1999				
Nabam	developmental	142596	March 30, 1999				
Nafarelin acetate	developmental	86220420	April 1, 1990				
Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992				
Netilmicin sulfate	developmental	56391572	July 1, 1990				
Nickel carbonyl	developmental	13463393	September 1, 1996				
Nicotine	developmental	54115	April 1, 1990				
Nifedipine	developmental, female, male	21829254	January 29, 1999				
Nimodipine	developmental	66085594	April 24, 2001				
Nitrapyrin	developmental	1929824	March 30, 1999				
Nitrofurantoin	male	67209	April 1, 1991				

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Ribavirin	developmental male	36791045 36791045	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292461	February 27, 2001
Secobarbital sodium	developmental	309433	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyl- dithiocarbamate	developmental	128041	March 30 1999
Sodium fluoroacetate	male	62748	November 6, 1998
Streptomycin sulfate	developmental	3810740	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Sulfasalazine	male	599791	January 29, 1999
Sulindac	developmental, female	38194502	January 29, 1999
Tamoxifen citrate	developmental	54965241	July 1, 1990
Temazepam	developmental	846504	April 1, 1990
Teniposide	developmental	29767202	September 1, 1996
Terbacil	developmental	5902512	May 18, 1999
Testosterone cypionate	developmental	58208	October 1, 1991
Testosterone enanthate	developmental	315377	April 1, 1990
2,3,7,8-Tetrachlorodi- benzo-para-dioxin (TCDD)	developmental	1746016	April 1, 1991
Tetracycline (internal use)	developmental	60548	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Thalidomide	developmental	50351	July 1, 1987
Thioguanine	developmental	154427	July 1, 1990
Thiophanate methyl	female, male	23564058	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842071	July 1, 1990
Toluene	developmental	108883	January 1, 1991
Triadimefon	developmental, female, male	43121433	March 30, 1999
Triazolam	developmental	28911015	April 1, 1990
Tributyltin methacrylate	developmental	2155706	December 1, 1999
Trientine hydrochloride	developmental	38260014	February 27, 2001
Triforine	developmental	26644462	June 18, 1999
Trilostane	developmental	13647353	April 1, 1990
Trimethadione	developmental	127480	January 1, 1991
Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Triphenyltin hydroxide	developmental	76879	March 18, 2002
Uracil mustard	developmental, female, male	66751	January 1, 1992
Urethane	developmental	51796	October 1, 1994
Urofollitropin	developmental	97048130	April 1, 1990
Valproate (Valproic acid)	developmental	99661	July 1, 1987
Vinblastine sulfate	developmental	143679	July 1, 1990
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: February 3, 2006

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

NOTICE TO INTERESTED PARTIES February 3, 2006

CHEMICALS LISTED EFFECTIVE February 3, 2006 AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding “*areca nut*” and “*betel quid without tobacco*” to the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code section 25249.5, Proposition 65). A betel quid (synonymous with ‘pan’ or ‘paan’) generally contains betel leaf, areca nut and slaked lime, and may contain tobacco. Areca nut is the seed of the fruit of the oriental palm *Areca catechu*. It should be noted that it is the nut and not other elements of the areca nut plant (such as the husk) that is being listed under Proposition 65. The listing of “*areca nut*” and “*betel quid without tobacco*” is effective **February 3, 2006**.

Health and Safety Code section 25249.8(a) requires that certain substances identified by the International Agency for Research on Cancer (IARC) or the National Toxicology Program (NTP), as described in Labor Code sections 6382(b)(1) and (d), be included on the Proposition 65 list. Labor Code section 6382(b)(1) references substances identified as human or animal carcinogens by IARC, and Labor Code section 6382(d) references substances identified as carcinogens or potential carcinogens by IARC or NTP. “*Areca nut*” and “*betel quid without tobacco*” were identified by IARC as known to be human carcinogens.

The basis for the listing of “*areca nut*” and “*betel quid without tobacco*” on the Proposition 65 list was described in OEHHA’s Request for Comments on Proposed Listing of “Areca Nut” and “Betel Quid Without Tobacco” As Known to Cause Cancer published in the October 21, 2005, issue of the *California Regulatory Notice Register* (Register 2005, No. 42–Z). In 2004, IARC issued the monograph *Betel–quid and Areca–nut*

Chewing and Some Areca-nut-derived Nitrosamines (Volume 85) in its series *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. In this monograph, IARC concluded “Areca nut is *carcinogenic to humans (Group 1)*.” In the same monograph, IARC concluded “Betel quid without tobacco is *carcinogenic to humans (Group 1)*.” Betel quid with tobacco was previously classified by IARC as “*carcinogenic to humans (Group 1)*” and was listed under Proposition 65 on January 1, 1990; IARC reiterated that identification in the 2004 monograph.

OEHHA analyses of dose–response data to establish the no significant risk levels (NSRLs) for these substances under Proposition 65 have not been conducted. The priority status of the development of such analyses will be announced in a future OEHHA *Proposition 65 Status Report for Safe Harbor Levels*, available at <http://www.oehha.ca.gov/prop65.html>

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*.

Cancer

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ¹
Areca Nut	—	Cancer	LC
Betel quid without tobacco	—	Cancer	LC

¹ Listing mechanism:

LC — “Labor Code” mechanism (Labor Code sections 6352(b)(1) and (d))

INDEX OF PRECEDENTIAL DECISIONS

DEPARTMENT OF INDUSTRIAL RELATIONS

**NOTICE OF AVAILABILITY OF THE
DEPARTMENT OF INDUSTRIAL RELATIONS’
INDEX OF SIGNIFICANT LEGAL AND POLICY
DETERMINATIONS CONTAINED IN ITS PUBLIC
WORKS COVERAGE PRECEDENTIAL
DECISIONS**

Cal. Code Regs., Title 2 § 619.7
Gov. Code § 11425.60(c)

PLEASE TAKE NOTICE that the Department of Industrial Relations’ Index of Significant Legal and

Policy Determinations Contained in its Public Works Coverage Precedential Decisions are available for purchase or you may view them at the Division of Labor Statistics & Research home page at:

http://www.dir.ca.gov/DLSR/Statistics_research.html

You may obtain a copy by either calling or writing to:

Maria Y. Robbins, Deputy Chief
Division of Labor Statistics & Research
Department of Industrial Relations
455 Golden Gate Avenue, 8th Floor
San Francisco, CA 94102
Phone No.: (415) 703–4870
Fax No.: (415) 703–4771

This notice is being published pursuant to Title 2, California Code of Regulations, section 619.7, and California Government Code section 11425.60(c).

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653–7715. Please have the agency name and the date filed (see below) when making a request.

CALIFORNIA GAMBLING CONTROL COMMISSION

General Provisions

This regulatory action is to eliminate duplication among the definitions sections within several chapters of Title 4, Division 18 by creating, at the beginning of the Division in a previously Reserved Chapter 1, a general section of definitions applicable to the entire Division. In addition, a new provision describes the process for registrants and licensees to report a change of address using a form which is included in a new Appendix A to Chapter 1.

Title 4
California Code of Regulations
ADOPT: 12002, 12004, Appendix A AMEND:
12100, 12200, 12220, 12300
Filed 01/25/06
Effective 02/24/06
Agency Contact:
Heather Cline–Hoganson (916) 274–6328

CALIFORNIA HORSE RACING BOARD
Total Carbon Dioxide Testing

This is the timely resubmission of the certification of compliance for the adoption of a procedure for total carbon dioxide testing of race horses which provides for the option of a duplicate sample, and sets the standard for the maximum allowable total CO₂ in the horse's blood.

Title 4
California Code of Regulations
ADOPT: 1843.6
Filed 01/20/06
Effective 01/20/06
Agency Contact: Harold Coburn (916) 263-6397

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Training & Testing Specifications Peace Officers

Existing regulation provides that an officer who will be appointed within 12 months to a department head or executive position may attend the Executive Development Course, provided the officer has satisfactorily completed the Management Course. This regulatory action provides that the Executive Director may waive the Management Course completion prerequisite for a chief executive who has completed training comparable to a POST Management Course.

Title 11
California Code of Regulations
AMEND: 1005
Filed 01/19/06
Effective 01/20/06
Agency Contact: Patricia Cassidy (916) 227-4847

DEPARTMENT OF CORPORATIONS

CDDTL: Books, Records and Annual Reports

This action adopts recordkeeping and reporting requirements for licensees under the California Deferred Deposit Transaction Law (CDDTL).

Title 10
California Code of Regulations
ADOPT: 2025, 2026, 2027, 2028, 2029, 2030
Filed 01/25/06
Effective 01/25/06
Agency Contact: Karen Fong (916) 322-3553

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Joint Venture Program

This regulatory action is to clarify that the responsibility of CDCR to monitor Joint Venture Employer (JVE) compliance with applicable wage laws, as required by CCR Title 15, Section 3484, is not modified by Section 3482(a)(12)(R).

Title 15
California Code of Regulations
AMEND: 3482
Filed 01/25/06
Effective 01/25/06
Agency Contact: Ann Cunningham (916) 322-9702

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Unit Health Records

This regulatory action adds a definition for "unit health records" and states who has access to an inmate or parolee case records file, unit health record, or component thereof, subject to applicable federal and state law. The proposed amendment also adds that attorneys working for the Inspector General are authorized to access these records as provided by applicable federal and state law.

Title 15
California Code of Regulations
AMEND: 3370
Filed 01/19/06
Effective 02/18/06
Agency Contact: John McClure (916) 358-1655

DEPARTMENT OF HEALTH SERVICES

Long-Term Care Rates Fiscal Year 2002-03

This filing is a certificate of compliance for an emergency regulatory action submitted to OAL on August 16, 2005 and filed with the Secretary of State on August 24, 2005 which adopted long-term care rates for the 2002-2003 rate year for which the Legislature enacted funding in the 2002-2003 Budget Act, Items 4260-101-0001 and 4260-101-0890 (Stats. 2002, ch. 379). The emergency regulatory action was deemed an emergency necessary for the immediate preservation of the public peace, health, and safety and general welfare pursuant to subdivision (a) of Welfare and Institutions Code section 14105.

Title 22
California Code of Regulations
AMEND: 51510, 51510.1, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501
Filed 01/23/06
Effective 01/23/06
Agency Contact: Lynette Cordell (916) 650-6827

DEPARTMENT OF INSURANCE

California Low Cost Automotive Insurance Program

This regulatory action raises the insurance rates within the California Low Cost Automobile Insurance Program. The California Low Cost Automobile Insurance Program is a statutorily required plan for the equitable

apportionment, among insurers required to participate in the California Automobile Assigned Risk Plan (CAARP), of persons residing in the County of Los Angeles and the City and County of San Francisco who are eligible to purchase a low cost automobile insurance policy through the program established in those counties

Title 10
California Code of Regulations
AMEND: 2498.6
Filed 01/20/06
Effective 01/20/06
Agency Contact:
Mary Ann Shulman (415) 538-4133

DEPARTMENT OF INSURANCE

Conflict of Interest Code

The Department of Insurance Conservation and Liquidation Office is amending its conflict of interest code found at title 10, section 2698.99, California Code of Regulations. The amendment was approved for filing by the Fair Political Practices Commission on November 4, 2005.

Title 10
California Code of Regulations
AMEND: 2698.99
Filed 01/23/06
Effective 02/22/06
Agency Contact: Jack Hom (415) 538-4129

DEPARTMENT OF INSURANCE

Workers' Compensation Claims Adjuster Training

In this regulatory action, the Department of Insurance adopts regulations pertaining to "Workers' Compensation Claims Adjuster Training" pursuant to Insurance Code section 11761.

Title 10
California Code of Regulations
ADOPT: 2592, 2592.01, 2592.02, 2592.03, 2592.04, 2592.05, 2592.06, 2592.07, 2592.08, 2592.09, 2592.10, 2592.11, 2592.12, 2592.13, 2592.14
Filed 01/23/06
Effective 02/22/06
Agency Contact:
Christopher A. Citko (916) 492-3187

DEPARTMENT OF MENTAL HEALTH

Mental Health Services Act

This emergency regulatory action amends recent regulations implementing Proposition 63 of 2005, the Mental Health Services Act. (Previous OAL file # 05-1230-01 EFP)

Title 9
California Code of Regulations
AMEND: 3400
Filed 01/23/06
Effective 01/23/06
Agency Contact: Steven Appel (916) 654-4027

DEPARTMENT OF MENTAL HEALTH

Conflict of Interest

The Department of Mental Health is amending its conflict of interest code found at Title 9, Section 400, California Code of Regulations. The aforementioned amendment was approved for filing by the Fair Political Practices Commission on November 22, 2005.

Title 9
California Code of Regulations
AMEND: 400
Filed 01/19/06
Effective 02/18/06
Agency Contact: Steven Appel (916) 654-4027

DEPARTMENT OF SOCIAL SERVICES

Fry v. Saenz Court Case Eligibility for CalWORKs

This regulatory action continues eligibility for CalWORKs benefits for all children and caretaker relatives of children otherwise eligible for CalWORKs benefits, when such children cannot comply with the requirements of the "completion rule" in Welfare and Institutions Code section 11253(b) because of their disabilities.

Title MPP
California Code of Regulations
AMEND: 42-101
Filed 01/23/06
Effective 01/23/06
Agency Contact: Alison Garcia (916) 657-2586

EMPLOYMENT TRAINING PANEL

Audits

The Employment Training Panel (ETP) proposes amendment to 22 CCR sec. 4448 to specify standards and criteria ETP uses for sampling in annual audits of ETP-funded training programs provided by independent contractors. Amended sec. 4448 will clarify sampling and extrapolation methods and inform training contractors of their right to refute an audit finding of contractor overpayment. The regulation specifies that ETP and its auditors follow the Government Auditing Standards, published by GAO and maintained on the GAO website (2003; also referred to as generally accepted government auditing standards or GAGAS), that ETP and its auditors are provided broad discretion using professional judgment under GAGAS, but that ETP auditors may perform annual, limited "desk audits" not

in accordance with GAGAS or any established criteria due to the limited scope of this type of audit.

Title 22
California Code of Regulations
AMEND: 4448
Filed 01/20/06
Effective 02/19/06
Agency Contact: Maureen Reilly (916) 327-5422

FAIR POLITICAL PRACTICES COMMISSION
Conflict of Interest Code

This is a Conflict of Interest Code filing of the FPPC and has been approved by the Attorney General's Office. The action is submitted for filing with the Secretary of State and printing only.

Title 2
California Code of Regulations
AMEND: 18351
Filed 01/23/06
Effective 02/22/06
Agency Contact: Kevin Moen (916) 322-56609

NEW MOTOR VEHICLE BOARD
Arbitration Certification Program Fee Collections

This nonsubstantive action amends the dollar amount to be charged to fund the certification program for the Arbitration Certification Program for 2005-06. The amount collected is based on a set formula prescribed by regulation.

Title 13
California Code of Regulations
AMEND: 553.70
Filed 01/18/06
Effective 01/18/06
Agency Contact: Dawn K. Kindel (916) 445-1888

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Floor Openings for Steel Framed Buildings

The regulatory action deals with floor openings in steel framed buildings.

Title 8
California Code of Regulations
AMEND: 1635
Filed 01/25/06
Effective 02/24/06
Agency Contact: Marley Hart (916) 274-5721

STATE TREASURER
Conflict of Interest

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2
California Code of Regulations
AMEND: 1897
Filed 01/20/06
Effective 02/19/06
Agency Contact: Mark Paxson (916) 651-6846

STATE WATER RESOURCES CONTROL BOARD
TMDL for Calleguas Creek Watershed and Mugu Lagoon

This amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) establishes a Total Maximum Daily Load (TMDL) for organochlorine (OC) pesticides, polychlorinated biphenyls (PCBs), and siltation in Calleguas Creek, its tributaries, and Mugu Lagoon. The TMDL sets numeric concentration-based targets for OC pesticides and PCBs in water, sediment, and/or fish tissue to ensure protection of designated beneficial uses. The specific pollutants addressed are aldrin, chlordane, dacthal, dichlorodiphenyldichloroethane (DDD), dichlorodiphenyldichloroethylene (DDE), dichlorodiphenyltrichloroethane (DDT), dieldrin, endosulfan I, endosulfan II, endrin, hexachlorocyclohexane (alpha, beta, delta, and gamma BHC), heptachlor, heptachlor epoxide, PCBs, and toxaphene.

Title 23
California Code of Regulations
ADOPT: 3939.17
Filed 01/20/06
Effective 01/20/06
Agency Contact: Joanna Jensen (916) 657-1036

SUPERINTENDENT OF PUBLIC INSTRUCTION
School Community Violence Prevention Grant Program

Establishes requirements for local education agencies to apply for and receive grants for school violence prevention programs.

Title 5
California Code of Regulations
ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7
Filed 01/19/06
Effective 01/19/06
Agency Contact: Debra Strain (916) 319-0641

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
Service Limitations for Mental Health Counseling

This regulatory action repeals the maximum rates and service limitations. This action is exempt from OAL review pursuant to Government Code section 13957.2.

Title 2
California Code of Regulations
REPEAL: 649.23, 649.25, 649.26, 649.27
Filed 01/24/06
Effective 01/24/06
Agency Contact: Kelly Loyer (916) 323-5051

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN AUGUST 24, 2005 TO
JANUARY 25, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

12/29/05 AMEND: 1038

Title 2

01/24/06 REPEAL: 649.23, 649.25, 649.26, 649.27
01/23/06 AMEND: 18351
01/20/06 AMEND: 1897
01/17/06 AMEND: Div. 8, Ch. 64, Sec. 55300
01/17/06 ADOPT: 560 REPEAL: 560
12/29/05 AMEND: 18329.5, 18701, 18751
12/21/05 AMEND: 599.960, 599.961
12/20/05 AMEND: 18700, 18707, 18708
12/12/05 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80
11/16/05 AMEND: 1181
11/07/05 ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328,
11/07/05 AMEND: 20107

10/31/05 AMEND: 1859.2, 1859.81, 1866
10/27/05 AMEND: 1859.2, 1859.51, 1859.104.3, 1859.147, 1859.202, 1866, Form SAB 50-01
10/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1
10/18/05 ADOPT: 18732.5
10/11/05 ADOPT: 18117, 18772
10/11/05 AMEND: 18450.4
10/11/05 AMEND: 18401, 18427.1, 18700, 18705, 18707.9, 18730, 18750
10/06/05 ADOPT: 18735.5
09/23/05 ADOPT: 2280, 2281, 2282, 2283, 2284
09/15/05 AMEND: Div. 8, Ch. 71, Sec. 56000
09/13/05 AMEND: 18730
09/07/05 AMEND: Div. 8, Ch. 99, Sec. 58800
09/06/05 ADOPT: 1183.12, 1183.13, 1183.14 AMEND: 1181, 1181.1, 1181.2, 1181.3, 1183, 1183.01, 1183.02, 1183.03, 1183.04, 1183.05, 1183.06, 1183.07, 1183.08, 1183.1, 1183.11, 1183.12, 1183.2, 1183.21, 1183.3, 1187, 1187.2, 1187.3, 1187.4, 1188.1, 1188.3, 1188.4,
08/29/05 AMEND: Div. 8, Ch. 6, Sec. 27000

Title 3

01/12/06 AMEND: 6393, 6394, 6395, 6396
12/28/05 AMEND: 3406(b)
12/28/05 ADOPT: 6576, 6950
12/15/05 AMEND: 6400
12/13/05 AMEND: 3700(c)
12/01/05 AMEND: 3700(c)
11/23/05 AMEND: 3406(b)
10/25/05 AMEND: 3406(b)
10/24/05 AMEND: 3433(b)
10/20/05 AMEND: 3591.19(a)
10/19/05 AMEND: 3406(b)
10/18/05 ADOPT: 3591.18
10/17/05 AMEND: 3406(b)
10/07/05 AMEND: 3406(b)
10/07/05 ADOPT: 6551
10/04/05 ADOPT: 3963
10/03/05 AMEND: 3433
09/28/05 ADOPT: 3591.19
09/27/05 AMEND: 3700(c)
09/16/05 ADOPT: 581

Title 4

01/25/06 ADOPT: 12002, 12004, Appendix A AMEND: 12100, 12200, 12220, 12300
01/20/06 ADOPT: 1843.6
01/09/06 ADOPT: 1902.5
01/09/06 ADOPT: 1690.1
12/29/05 AMEND: 8070, 8071, 8072, 8073, 8074, 8076
12/21/05 ADOPT: 12359

12/14/05 AMEND: 7075, 7082, 7084, 7092, 7093, 7094, 7098
 12/05/05 AMEND: 1977
 12/05/05 REPEAL: 1959.5, 1959.6, 1959.7, 1959.8, 1976.5, 1976.7
 11/28/05 ADOPT: 7075, 7076, 7077, 7078, 7079, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099 REPEAL: 7000, 7001, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013.
 11/28/05 ADOPT: 503, 512, 515, 516, 517, 518, 519, 523, 524 AMEND: 500, 501, 502, 510, 513, 514, 520, 552, 530, 531, 533 REPEAL: 521
 11/23/05 AMEND: 4083
 11/01/05 ADOPT: 10300, 10302, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10335, 10337
 10/27/05 ADOPT: 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050 AMEND: 7047, 7048 REPEAL: 7049
 10/27/05 ADOPT: 9001, 9005, 9006, 9007, 9025, 9027, 9050, 9051, 9052, 9053, 9054, 9055, 9056, 9057, 9058, 9059, 9060, 9061, 9062, 9063, 9064, 9065, 9066, 9067, 9068, 9069, 9070 AMEND: 9020, 9030, 9031, 9032, 9041, 9043
 10/12/05 AMEND: 1433
 09/13/05 ADOPT: 1843.6
 09/12/05 AMEND: 4140
 08/24/05 AMEND: 1663

Title 5

01/19/06 ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7
 12/29/05 ADOPT: 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687 AMEND: 4600, 4610, 4611, 4620, 4621, 4622, 4630, 4631, 4632, 4633, 4640, 4650, 4651, 4660, 4662, 4663, 4664, 4665, 4670, 4910 REPEAL: 4661, 4671
 12/12/05 ADOPT: 80033.2
 12/07/05 AMEND: 43810
 12/06/05 ADOPT: 11963.5 AMEND: 11704, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6
 11/17/05 AMEND: 41301 REPEAL: 41303, 41304
 11/15/05 AMEND: 6111
 11/10/05 AMEND: 19826.1

10/19/05 AMEND: 11900, 11905, 11915, 11920, 11925, 11930, 11935
 10/14/05 ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110
 10/14/05 ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110
 10/11/05 ADOPT: 19850, 19851, 19852, 19853, 19854 AMEND: 19814, 19814.1
 10/11/05 ADOPT: 18220.2, 18224.2, 18224.4, 18240.5, 18249 AMEND: 18220, 18240, 18248, 18244
 09/28/05 AMEND: 50500
 09/01/05 REPEAL: 1630

Title 8

01/25/06 AMEND: 1635
 12/20/05 AMEND: 3395
 12/14/05 AMEND: 6632(f)
 12/13/05 AMEND: 20299
 12/05/05 AMEND: 4650
 11/22/05 ADOPT: 13694
 11/22/05 ADOPT: 13680, 13681, 13682, 13683, 13684, 13685, 13686, 13687, 13688, 13689, 13690, 13691, 13692, 13693
 09/29/05 AMEND: 9789.11
 09/22/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9, 9792.10 REPEAL: 9792.11
 09/09/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14, 9767.15
 08/25/05 AMEND: 6184

Title 9

01/23/06 AMEND: 3400
 01/19/06 AMEND: 400
 12/30/05 ADOPT: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415

Title 10

01/25/06 ADOPT: 2025, 2026, 2027, 2028, 2029, 2030
 01/23/06 AMEND: 2698.99
 01/23/06 ADOPT: 2592, 2592.01, 2592.02, 2592.03, 2592.04, 2592.05, 2592.06, 2592.07, 2592.08, 2592.09, 2592.10, 2592.11, 2592.12, 2592.13, 2592.14
 01/20/06 AMEND: 2498.6
 12/28/05 AMEND: 2498.5

CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 5-Z

12/13/05	AMEND: 2312, 2312.5, 2315	12/06/05	ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05
11/23/05	AMEND: 260.210, 260.211, 1726, 1950.122, 2020	12/02/05	AMEND: 18660.5, 18660.6, 18660.10, 18660.20, 18660.21, 18660.22, 18660.36, 18660.37
11/16/05	AMEND: 2699.6600, 2699.6809	11/30/05	ADOPT: 957.11, 957.12 AMEND: 957
11/15/05	AMEND: 2690.1	11/16/05	AMEND: 913.2 [933.2, 953.2], 913.11 [933.11, 953.11]
11/03/05	ADOPT: 2698.95.1, 2698.95.11, 2698.95.12, 2698.96, 2698.97, 9698.97.1, 2698.98, 2698.98.1 AMEND: 2698.95	11/09/05	ADOPT: 1038(i) AMEND: 1038.2, 1038(e)
10/20/05	AMEND: 2318.6, 2353.1, 2354	11/02/05	AMEND: 632
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